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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY—BULLETIN No. 69 (Revised), PART VIII.

H. W. WILEY, Chief.

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FOODS AND FOOD CONTROL.

REVISED TO JULY 1, 1905.

VIII. LAWS OF VIRGINIA, WASHINGTON, WEST VIRGINIA, WISCONSIN, AND WYOMING.

By W. D. BIGELOW,

CHIEF, DIVISION OF FOODS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1906.

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LETTER OF TRANSMITTAL.

U. S. Department of Agriculture,
Bureau of Chemistry,
Washington, D. C., October 25, 1905.

Sir: I have the honor to transmit herewith for your approval a compilation of the food laws of Virginia, Washington, West Virginia, Wisconsin, and Wyoming, which has been revised to July 1, 1905. I recommend that this manuscript be published as Bulletin No. 69, Revised, Part VIII, of the Bureau of Chemistry.

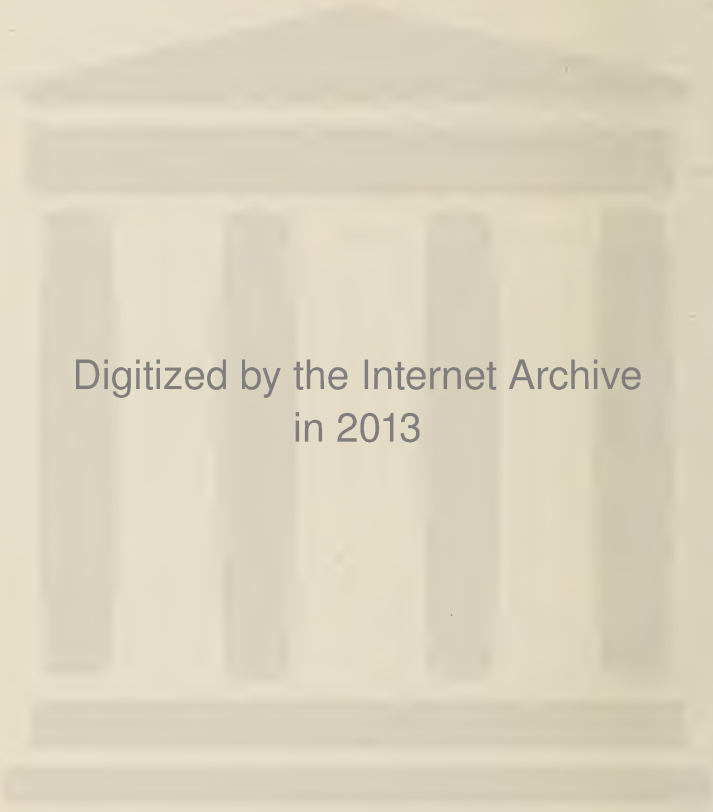
Respectfully,

H. W. Wiley, *Chief.*

Hon. James Wilson,
Secretary of Agriculture.

CONTENTS.

	Page.
Virginia	639
General food laws	639
Candy	642
Dairy products	643
Fish (*see* Flour, etc., inspection law).	
Flour, etc. (inspection of fish, meat, salt, and barreled products in general)	644
Meat (*see* Flour, etc., inspection law).	
Salt (*see* Flour, etc., inspection law).	
Vinegar and cider	650
Water	651
Washington	653
General food laws	653
Bread, etc	656
Dairy products	657
Fish	664
Rules and regulations	666
West Virginia	670
General food law	670
Dairy products	670
Water	671
Wisconsin	672
General food laws	672
Baking powders	673
Bread	673
Canned goods	675
Dairy products and other food supplies	676
Flavoring extracts	685
Flour (buckwheat)	686
Honey	686
Ice	687
Meat	687
Preservatives	687
Syrups	688
Vinegar	689
Rulings made by the commissioner	690
Wyoming	693
General food laws	693
Alcoholic beverages	697
Candy	698
Canned goods	699
Dairy products	700
Maple products	702
Meat	703
Vinegar	703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FOODS AND FOOD CONTROL—VIII.

Revised to July 1, 1905.

VIII.—Laws of Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

VIRGINIA.

The State department of agriculture is charged with the enforcement of the food laws of Virginia. In reply to a letter of inquiry, the following statement was received from Mr. G. W. Koiner, commissioner of agriculture:

No prosecutions have yet been made under the provisions of the pure-food law, as it was deemed best to publish the first bulletin and give the merchants and consumers an opportunity to learn what the law is and what rulings and standards have been adopted before putting it in full operation. Already, however, the law is having an excellent effect, as many letters have been received in regard to labeling and branding, discussing what will and will not be allowed to be sold in this State. There is a decided disposition manifested to comply with the law, and the good effects are being seen. Many of the old laws passed prior to the general food law of 1900 should be repealed, as they tend to much confusion.

GENERAL FOOD LAWS.[a]

3811. *Unwholesome provisions; penalty.* If any person knowingly sell any diseased, corrupted, or unwholesome provisions, whether meat or drink, without making the same known to the buyer, he shall be confined in jail not exceeding six months, and fined not exceeding one hundred dollars.

3811a. *To prevent the selling of unwholesome meat.* Unconstitutional.

3812. *Addition of injurious ingredients to food or drugs.* If any person fraudulently or knowingly adulterate, for the purpose of sale, any drug or medicine, or any article of food or drink, with any substance that may be injurious to health, or with barytes or any substance intended to increase the weight or quantity of such food or drink, he shall be confined in jail not exceeding one year, and fined not exceeding five hundred dollars; and the adulterated articles shall be forfeited and destroyed.

Code 1904, vol. 2, title 52, ch. 186, p. 2036.

1898a. (1) *Examination and analyses of foods by board of agriculture.* For the purpose of protecting the people of the state from imposition by the adulteration and misbranding of articles of food, the board of agriculture shall cause to be procured from time to time, and under the rules and regulations to be prescribed by them, in accordance with section nine of this act, samples of food, beverages, and condiments

[a] See also "Flour; inspection of barreled products in general."

offered for sale in the state, and shall cause the same to be analyzed or examined microscopically or otherwise by the chemists or other experts of the department of agriculture. The board of agriculture is hereby authorized to make such publications of the results of the examinations, analyses, and so forth, as they may deem proper.

(2) *Adulterated or misbranded food; penalty.* That no person, by himself, or agent, shall knowingly manufacture, sell, expose for sale, or have in his possession with intent to sell, any article of food which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and for such offenses shall be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or be confined in jail not exceeding one year, or both, and such fines, less legal costs and charges, shall be paid into the treasury of the state.

(3) *Analyses showing adulteration to be reported to city or county attorney.* That the chemists or other experts of the department of agriculture shall make, under rules and regulations prescribed by the board of agriculture, examinations of specimens of food, beverages, and condiments offered for sale in Virginia which may be collected from time to time under their directions in various parts of the state. If it shall appear from such examination that any of the provisions of this act have been violated, the commissioner of agriculture shall at once certify the facts to the commonwealth's attorney for the city or county in which the offense shall have been committed, and furnish that officer with a copy of the result of the analysis duly authenticated by the analyst under oath.

(4) *Prosecution.* That it shall be the duty of every commonwealth's attorney to whom the commissioner of agriculture shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided.

(5) *"Food" and "misbranded" defined.* That the term "food," as used herein, shall include all articles of food—candy, condiment, or drink, by man or domestic animals whether simple, mixed, or compound. The term "misbranded," as herein used, shall include all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement purporting to name any ingredients or substances as being contained or not being contained in such article, which statement shall be false in any particular.

(6) *"Adulteration" defined.* That for the purpose of this act any article of food shall be deemed adulterated—

First. If any substance or substances has or have been mixed or packed with it, so as to reduce or lower or injuriously affect its quality or strength so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any inferior substance or substances has or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent has been wholly or in part abstracted, so that the product when sold shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of and sold under the specific name of another article.

Fifth. If it be mixed, colored, powdered, coated, polished, or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or an imitation either in package

or label of an established proprietary product, which has been trade-marked or patented.

Eighth. If it consists of the whole or any part of a diseased, filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of an animal that has died otherwise than by slaughter.

Ninth. That candies and chocolates may be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health: provided, that an article of food, beverage, or condiment which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases:

First. In the case of articles, mixtures, or compounds which may be now, or from time to time hereafter, known as articles of food, beverages or condiments under their own distinctive names and not included in definition fourth of this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends.

Third. When any matter or ingredient has been added to the food, beverage or condiment because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food, beverage or condiment, or conceal the inferior quality thereof: provided, that the same shall be labeled, branded or tagged as prescribed by the board of agriculture, so as to show them to be compounds and the exact character thereof: and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: provided further, that nothing in this act shall be construed to apply to proprietary or patent medicines: *provided*, that it shall not apply to baking powders containing starch, wheat flour, bicarbonate of soda and exsiccated alum; but it shall apply to any baking powder containing any other ingredient than those specifically named above which may be upon analysis found to be deleterious to health.

Fourth. Where the food, beverage, or condiment is unavoidably mixed with some harmless extraneous matter in the process of collection or preparation: *provided further*, that no person shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity in a form approved by the board of agriculture as published in their rules and regulations, signed by the wholesale jobber, manufacturer, or other party from whom he purchased said article.

(7) *Board of agriculture to regulate branding.* That the board of agriculture is hereby authorized to cause all compounds, mixed or blended products to be properly branded, and prescribe how this shall be done.

(8) *Board of agriculture to publish exemptions and establish standards.* That it shall be the duty of the board of agriculture to prepare and publish from time to time lists of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with section six. The board of agriculture shall also from time to time fix and publish the limits of variability permissible in any article of food, beverage or condiment, and these standards, when so published, shall remain the standards before all courts: *provided*, that when standards have or may be fixed by the secretary of agriculture of the United States they shall be accepted by the board of agriculture, and published as the standards for Virginia.

(9) *Samples.* That every person who exposes for sale or delivers to a purchaser any condiment, beverage, or article of food shall furnish, within business hours, and upon tender and full payment of the selling price, a sample of such condiments, beverages or articles of food to any person duly authorized by the board of agriculture to secure the same, and who shall apply to such manufacturer or vender or

person delivering to a purchaser such beverage or article of food, for such sample for such use in sufficient quantity for the analysis of such article or articles in his possession.

(10) *Obstructing enforcement of law; penalty.* That any manufacturer or dealer who refuses to comply upon demand with the requirements of section nine of this act, or any manufacturer, dealer or person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any chemist, inspector or other person in the performance of his duty in connection with this act shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not more than one hundred days, or both, and said fines less legal costs shall be paid into the treasury of the state.

(11) *Interference with commerce, etc.* That this act shall not be construed to interfere with commerce, or any interstate commerce laws of the United States.

Approved February 27, 1900. Acts of Assembly, 1899–1900, ch. 655, pp. 694–697; Code of 1904, vol. 1, title 25, ch. 84, pp. 983–986.

1898b. *Prosecutions; fees.* For the purpose of a more rigid enforcement of the law prohibiting the sale of adulterated and misbranded foods in the State of Virginia, it shall be the duty of the judge of the circuit or corporation court for each county and city of this State to bring to the attention of the grand juries of his county or city the act approved February twenty-seventh, nineteen hundred, entitled an act to prevent the sale of adulterated and misbranded food in the State of Virginia, and upon the finding of an indictment against the manufacturer or vender of such adulterated or misbranded food, beverages, or condiments, or at any time prior thereto, the Commonwealth's attorney may, if he deem it proper, forward a sample of the same to the commissioner of agriculture, to be analyzed or examined, microscopically or otherwise, by the chemists or other experts of the department of agriculture, who shall render a report thereon to said Commonwealth's attorney, which report may be used in evidence before said grand jury or at the trial of said person or persons so indicted. For each conviction under said act said Commonwealth's attorney shall be entitled to a fee of ten dollars, which shall be paid by the city or county in which said conviction was had upon an order from the judge of said court, and said fee shall be paid, notwithstanding the provisions of any law to the contrary limiting the salary or fees of Commonwealth's attorney; and said fee shall be taxed as a part of the costs against the defendant, and when collected shall be paid into the treasury of said county or city.

Acts of 1904, ch. 16, p. 14; Code of 1904, title 25, ch. 84, p. 986.

CANDY.

1898c. *Injurious ingredients in candies.* No person shall either directly or by his servant, or as servant or agent of any other person or corporation, manufacture for sale or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance or poisonous colors or flavors or other ingredients deleterious or injurious to health.

(2) *Penalties.* Any person violating any of the provisions of this act shall be punished by a fine not exceeding two hundred dollars nor less than twenty dollars. The candy so adulterated shall be forfeited and destroyed under the direction of the court.

Code of 1904, vol. 1, title 25, ch. 84, pp. 987–988.

DAIRY PRODUCTS.

1899. *Use of diluted or adulterated milk in cheese or butter factories.* Whoever shall knowingly sell, supply, or bring to be manufactured, to any cheese or butter manufactory in this state, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk; or whoever shall keep back any part of the milk known as strippings, or knowingly bring or supply to any cheese manufactory milk that is tainted or partly sour, from want of proper care in keeping clean any vessel in which said milk is kept, after being notified of such taint or carelessness; or any cheese manufacturer who shall knowingly use, or direct any of his employees to use, for his or their individual benefit, any cream from the milk brought to the said cheese manufacturer, without the consent of all the owners thereof, shall, for each offence, forfeit not less than twenty-five nor more than one hundred dollars, to be recovered by any person upon whom such fraud is committed.

1899a. The act of 1891–92, p. 840, declared unconstitutional as interfering with interstate commerce.

1900. *Imitation butter must be so branded.* Every person who shall manufacture for sale, or who shall offer or expose for sale, any article or substance, in semblance of butter or cheese, not the legitimate product of the dairy and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand, or mark upon every tub, firkin, box, or package of such article or substance the word "Oleomargarine," in plain Roman letters, not less than half an inch square, placed horizontally in proper order, thus, "Oleomargarine." In all cases of retail sale of such article or substance in parcels, the seller shall deliver therewith to the purchaser a written or printed label, bearing the plainly written or printed word "Oleomargarine" in type or letters as aforesaid; and every sale of such article not so stamped, branded, marked, or labeled, shall be void, and no action shall be maintafned for the price thereof.

1901. *Penalty.* If any person sell or offer to sell, or cause or procure to be sold, or offered or exposed for sale, or have in his possession with intent to sell, contrary to the provisions of the preceding section, any article or substance required by said section to be stamped, marked, or labelled; or, in case of retail sale, without delivery of a label as required by said section, he shall for every such offence be fined one hundred dollars, one-half to go to the informer, and the other half to the commonwealth. On the trial for such offence, proof of the sale, or offer or exposure alleged, shall be presumptive evidence of knowledge of the character of the article so sold or offered.

Code of 1904, vol. 1, title 25, ch. 84, p. 991.

1871. *Quality brand for butter and lard.* Each inspector of butter or lard shall examine all offered for inspection in tubs, firkins, kegs, or barrels, exceeding in weight fifty pounds; and shall brand or stamp the same, if fit to pass, with the number "one," "two," or "three," as he may judge it to be of first, second, or third quality.

Code of 1904, vol. 1, title 25, ch. 84, p. 976.

1899b. (1) *Manufacture and sale of imitation butter.* No person by himself or his agents or servants shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell, any article, product, or compound, made wholly or partly from any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream of the same, which shall be in imitation

of yellow butter produced from pure unadulterated milk or cream of the same: provided, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the customer of its real character, free from coloration or ingredient that causes it to look like butter.

(2) *Use of imitation butter in hotels, etc.* That it shall be unlawful for any keeper or proprietor of any bakery, hotel, travern, licensed boarding-house, restaurant, saloon, lunch counter, or place of public entertainment, to use oleomargarine, butterine, or kindred compound either in baking, making, or cooking of bread, cakes, pies, crackers, meat, fish, fowl, or other edibles; or to serve the same to guests or patrons, without first posting and exhibiting in their respective bakeries, stores, restaurants and dining-rooms in a conspicuous public place, in large Roman letters not less than one inch square, a sign or placard, with this inscription: Imitation butter used here.

(3) *Penalties.* Whoever violates any of the provisions of section one or two of this act shall be punished by a fine not less than fifty nor more than two hundred and fifty dollars, or by imprisonment in the jail of the county or corporation in which the offense is committed for a term not exceeding six months.

(4) *Sampling and analyses.* It shall be the duty of the commissioner of agriculture of this state to have samples taken of butter, oleomargarine, or butterine, or any adulteration of butter, wherever offered for sale in this state, and have these samples analyzed by the chemist employed by said commissioner of agriculture, and where the analysis of the sample or samples so taken show that any adulterated article has been sold or offered for sale, it shall be the duty of the commissioner of agriculture to report the fact to the commonwealth's attorney in the county or city where said samples were taken. A copy of said chemist's analysis, when certified to by him, shall be admissible as evidence in any court of this state on the trial involving the purity of any butter.

(5) *Jurisdiction.* Justices of the peace shall have jurisdiction to impose the penalty herein prescribed.

Laws of 1897 and 1898, ch. 46, p. 147, as amended by Acts of Assembly 1899–1900, ch. 908, p. 1606; Code of 1904, vol. 1, title 25, ch. 84, pp. 990–991.

FISH.

See Flour, etc., Inspection law.

FLOUR, ETC. (INSPECTION OF FISH, MEAT, SALT, AND BARRELED PRODUCTS IN GENERAL).

1850. *Requirements for flours.* All wheat flour offered for inspection shall be well bolted and merchantable, of due fineness, and without mixture of coarser flour, or of any other grain than wheat; and all corn meal so offered shall be well sifted, made of corn well kiln-dried and merchantable, of due fineness and without mixture of any other material.

1851. *Construction of flour barrels, etc.* All barrels containing flour, meal, and bread, offered for inspection, shall be made of good seasoned timber, either split or sawed, with ten hoops, well nailed with four nails in each chine hoop and three nails in each bilge hoop. The stave shall be twenty-seven inches long, and the head seventeen inches and a half in diameter. In half barrels the staves shall be twenty-three inches long and the head twelve and a half inches in diameter.

1852. *Standard weight of barrel of flour, etc.; penalty.* Each barrel of flour or corn meal shall contain one hundred and ninety-six pounds of flour or meal, and each half barrel ninety-eight pounds; and in case of deficient quantity, any person offering such flour or meal for inspection shall forfeit eight cents for each pound of such deficiency not exceeding three, and seventeen cents for each pound over three.

1853. *Inspection of flour from outside of State.* The acts repealing this section provide: "Nothing in this act shall deprive the vendor or the purchaser of any package of flour or fish of the right to require the inspection of the same if he so desires." Repealed 1887–1888, pp. 52, 102.

1854. *Penalty for sale without inspection.* The acts repealing this section provide: "Nothing in this act shall deprive the purchaser of any package of flour or fish of the right to require the inspection of the same if he so desires." Repealed 1887–1888, pp. 52, 102.

1861. *Barreled products that must be inspected and branded.* Every barrel of flour, corn meal, bread, fish, pork, beef, tar, pitch, or turpentine; every barrel, box, or bag of salt, and every bale of hemp made, packed, or filled in this State, and offered for inspection, shall have the weight and tare thereof marked thereon by the manufacturer, packer, or filler thereof.

1862. *Brand for exported products.* Every manufacturer of flour, corn meal, bread, or salt, for exportation, shall keep a mark by which his own manufactory may be distinguished, with which he shall brand or mark distinctly each barrel of flour, meal, or bread, and each barrel, box, or bag of salt, before the same is removed from the place where manufactured; but no such manufacturer shall use or permit to be used on any such commodity more than one such brand or mark within one year from the first day of June annually, other than a private mark indicating the quality of the article.

1863. *Penalty for not branding.* For every barrel, box, bag, or bale of any of the commodities mentioned in the two preceding sections, offered for inspection, or removed from the manufactory contrary to either of said sections, the person offering the same for inspection, or the manufacturer, shall forfeit fifty cents; and if any person wilfully put a false tare or weight on any such barrel, box, bag, or bale, he shall forfeit one dollar on every such barrel, box, bag, or bale.

1864. *Duty of inspector.* Every inspector, by himself or a deputy, shall attend when required, at such time or place, within his county or inspection district, as the owner of any commodity of which he is inspector may appoint, and examine such commodity, either by boring through the head, in case of a barrel, with an auger not exceeding half an inch in diameter, or in some other satisfactory manner as to barrels and all other parcels.

1865. *Brand of location and quality.* If an inspector of flour, corn meal, or bread shall judge that it is merchantable, and packed in proper barrels as prescribed, he shall, after plugging the hole, if one has been made, brand the barrel, in the quarter, with the name of the county or place in which he is inspector; and in respect to flour, with the quality thereof, either as "family flour," "extra superfine," "superfine," "fine," or "middlings;" and as to corn meal, with the words "fine meal;" and as to bread, with the words "fine bread."

Code of 1904, vol. 1, title 25, ch. 84, pp. 972–975.

1898f. *Combination flour must be so labeled; penalty.* No person or persons shall hereafter adulterate wheat flour by the addition of corn starch, corn flour, barley flour, or other adulteration, nor shall manufacture, sell or exchange, or expose for sale or exchange or have in his or their possession for the purposes of sale or exchange any wheat flour adulterated with corn starch, corn flour, barley flour, or other adulteration, nor shall receive or solicit any order for the manufacture, sale, exchange, or delivery within this state of any wheat flour adulterated with corn starch, corn flour, barley flour, or other adulteration unless he or they shall plainly and durably brand, stamp, or mark each package, parcel, box, or barrel containing such adulterated wheat flour with the word "combination," and beneath this word shall be plainly stamped on every barrel, box, or other package the name and percentage of

each ingredient used therein, and any such person or persons who shall fail to stamp each barrel, box, or package as aforesaid, or who shall misstate the percentage of every ingredient in such combination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than twenty-five dollars or exceeding one hundred dollars for each offence or imprisoned in jail not less than sixty days, or both in the discretion of the court.

The possession by any person who is either manufacturer, merchant, wholesale or retail dealer of any packages, parcels, or boxes containing any of the combination flour defined by this act that is not plainly and durably marked with the word "combination" shall be prima facie evidence that the order upon which such flour was obtained was for such flour; provided, that if packages, and so forth, containing combination flour shall be plainly and durably marked as required by the provisions of this act before or when the same are sold or exchanged or exposed for sale or exchange, then the person or persons so selling or exposing for sale or exchange the same shall be exempt from the penalties of this act.

Code of 1904, vol. 1, title 25, ch. 84, p. 988.

1898g. (1). *Corn meal ground outside of Virginia.* No person shall sell, offer for sale, expose for sale, or have in his possession with intent to sell, any meal ground or milled outside of the State of Virginia from Indian corn, knowing the same to be ground or milled outside of said State, under the name of Virginia or Old Dominion mill, or under other name, or with any character, designed, marked, or name on the sacks, bags, or packages intended to create the impression that such meal has been ground or milled within the State of Virginia: provided, that nothing in this act shall be construed to prevent the sale, within the State of Virginia, of meal ground or milled without the State of Virginia from Indian corn not marked in such manner as to create the impression that such meal was ground or milled within the State of Virginia from Indian corn.

(2). *Meal made of "western corn."* That no person shall sell, offer, or expose for sale any meal ground or milled inside the State of Virginia under the name of Virginia or Old Dominion meal manufactured from Indian corn grown west of the boundaries of this State and known as "western corn," nor bearing or under any character, design, or mark on the sacks, bags, or packages containing said meal intended to create the impression that such meal has been ground or milled from Indian corn grown within the State of Virginia: provided, that nothing in this act shall be construed to prevent the sale within the State of Virginia of meal ground or milled within the State of Virginia from Indian corn grown west of the boundaries of this State, and known as "western corn," not labeled or branded with such characters or marks as to create the impression that such meal was ground or milled from Indian corn grown within the State of Virginia.

(3). *Penalty.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment in the jail of the county or corporation in which the offense is committed for a term not exceeding six months.

(4). *Evidence, violation of sec. 1.* In any prosecution of a person for a violation of section one of this act, proof of the sale, or offer for sale or exposure for sale, or possession with intent to sell, shall be prima facie evidence of knowledge that such meal was ground or milled outside of the State of Virginia.

(5). *Evidence, violation of sec. 2.* In any prosecution of a person for a violation of section two of this act, proof of the sale, or offer or exposure for sale, shall be prima facie evidence of knowledge that such meal was ground or milled from Indian corn grown west of the boundaries of this State and known as "western corn."

Laws 1901–1902, p. 70; Code of 1904, vol. 1, title 25, ch. 84, pp. 988–989.

1855. *Regulations for packing fish.* All fish offered for inspection shall be packed, all of one kind, in barrels of well-seasoned strong timber, clear of sap, not less than five-eighths of an inch thick, made tight, with at least twelve hoops, containing not less than twenty-eight gallons. The barrels shall be well nailed and pegged, and full of fish, well salted, cleaned, sound, and merchantable. But nothing in this section or chapter shall require salt fish packed as aforesaid, brought into the city of Alexandria, from any other state or country to be inspected unless the merchant importing such fish so desires.

1856. *Regulations for packing pork or beef.* All barrels containing pork or beef offered for inspection shall be made of the same kind of timber, and of the same thickness and strength, as is prescribed for fish barrels, and shall contain at least two hundred and four pounds net of good, clean, fat, sound, merchantable meat, well salted between each layer, and well pickled. There shall not be more than two heads in any one barrel of pork, and the whole shall be well salted and cured before it is packed.

1858. *Construction of salt barrels.* All barrels containing salt offered for inspection shall be made of good, seasoned materials, with at least ten hoops, with four nails in each chine hoop, and three nails in each upper bilge hoop, and not exceeding thirty inches in length and eighteen inches in diameter across the head within the chine.

1866. *Branding of fish, pork, beef, as to quality, etc.* If an inspector of fish, pork, beef, tar, pitch, or turpentine, shall judge the same to be sound and merchantable, and as to fish, pork, or beef, that it is properly packed and salted, and in proper barrels, he shall brand or stamp each barrel with the letter "V", with the first letter of the name of his county or town, and with his own name; and in respect to fish, pork, or beef, with the number "one" or "two", as he may judge it to be of first or second quality, either as to the quality of the article, or the order in which the barrel is found; and in respect to pork, with the letter "L", for large pork, or the letter "S", for small pork, as the case may be; and the head of each barrel of tar, pitch, or turpentine, with a mark distinguishing the article it contains.

1867. *Branding of salt as to quality, weight, etc.* If an inspector of salt judge the same to be merchantable, and if packed in barrels, that they are such as are required, he shall mark or brand each barrel, box, or bag, in a durable way, with the name of his county, and with the quality thereof, as number "one", "two", or "three". He shall also weigh each barrel, box, or bag, and mark the same in like manner, with the gross weight, and with the tare, allowing for each barrel of salt twenty-eight pounds for the tare. But if he finds that the barrel exceeds that tare, he shall cause the true tare to be marked thereon, for which he shall have an extra fee of one cent on each barrel, bag, or box.

1868. *Inspection and branding of alum salt.* In the case of alum salt (not to be exported in bulk), the inspector may examine the same in bulk, if desired, but shall, after it is packed, weigh and mark and brand the same, as directed in the preceding section, and also with the words "alum salt."

1869. *Size of salt barrels; time of inspections.* No inspector shall pass any salt in a barrel of larger dimensions than is prescribed; nor shall any salt be weighed by him until it lies twenty-four hours, at least, and such additional time after packing, as the inspector shall deem sufficient for draining it.

1870. *Inspection certificate for exported salt.* In the case of salt intended to be exported in bulk, if the inspector find the same to be of first quality, he shall grant to the owner a certificate stating the quality and probable quantity of the salt, the name of the vessel in which it is loaded, and the market to which it is destined.

1874. *Branding of condemned or undersized barrels, etc.* If any inspector of any commodity offered to him for inspection judge the same to be unmerchantable and unfit to pass, or not packed as required, he shall brand each such barrel, box, bag, cask, tub, firkin, or keg, so deemed unfit to pass, with the word "condemned"; and if he

judge such commodity merchantable and in good condition, except that the barrel is under the size required, he shall brand on such barrel the word "undersize", and at the same time brand thereon the true quality of the said commodity; and in the case of lumber or salt inspected in bulk, shall refuse the certificate required when the article is passed; and in the case of hemp, shall annex to each bale a label, stamped with the word "condemned". But such inspector shall, if required by the owner of such commodity, secure the same for a further examination. If no such examination, as hereinafter provided, be had within twenty days, or on such review the inspector's judgment be confirmed, he shall brand the same, if not previously done, according to his judgment.

1875. *Barrels judged to be damaged but not condemned.* If any inspector find any such barrel of any such commodity damaged or out of order, though not to such extent as to make it proper on that account to condemn it, he shall state, in writing, the cost of putting the same in good order, with the block or cooper's mark on the same, the grade of the article, and the maker's or packer's brand thereon, and deliver such statement to the owner of such article. The amount of damage thus ascertained shall be deducted from the price, if it has been sold, unless otherwise agreed, or unless the seller shall cause such barrel to be put in good order.

1876. *Appeal from inspector's decision; costs.* Any person offering for inspection any such commodity, which is judged of inferior quality, or condemned or refused by any inspector, may apply within twenty days after such inspection, to a justice of the county or corporation for which he is inspector, who shall thereupon issue a warrant directed to three disinterested persons selected by him to review the inspector's judgment. They shall take an oath to discharge their duty faithfully; and if they declare such commodity to be merchantable or of better quality than it was judged to be by the inspector, he shall thereupon erase the mark or brand with which he may have marked the same, and mark, brand, or label it, as the said reviewers may direct; and in the case of lumber or salt inspected in bulk, grant a certificate or note in conformity with the reviewers' judgment; and in such cases the inspector shall pay the costs of the review, including three cents to each of the reviewers for each barrel of any commodity, or for every five bushels of salt, not in barrels, or fifty cents for each bale of hemp, or seventy-five cents for each thousand pieces of lumber, or six cents for each parcel of butter or lard reviewed. But if the judgment of the inspector be confirmed by the reviewers, then the complainant shall pay the costs of the review, including the same compensation to the reviewers, besides the fees of inspection to the inspector, except that in the case of salt he shall pay the inspector ten cents for each barrel or every five bushels of salt.

1877. *Reviewer's penalty.* If any person so appointed as a reviewer refuse to act, he shall forfeit to the person applying for such warrant five dollars.

1878. *Fees for various inspections.* Inspectors of the several commodities hereinbefore mentioned, and cullers of lumber, shall have the following fees:

First. For each barrel of flour, corn meal or bread inspected, two cents;

Second. For each barrel of fish, pork, and beef, six cents; and for each barrel of tar, pitch, and turpentine, four cents;

Third. For each barrel of salt, and for every five bushels thereof, when it is inspected in boxes, in bags, or in bulk, one cent;

Fourth. For each tub, firkin, keg, or barrel of butter or lard, four cents; * * *

1879. *Payment of fees.* The said fees shall be paid by the person offering the commodity for inspection, except in the case of lumber, and in that case one-half shall be paid by the buyer and one-half by the seller, unless the same be not sold at the time of inspection, in which case the whole shall be paid by the person offering it for inspection.

1880. *Assistants.* While the inspector is engaged in examining and weighing any commodity, the person offering the same for inspection shall furnish as many hands at his own charge to assist the inspector as may be necessary.

1881. *False tare suspected; expense of unpacking.* An inspector, if he suspect any commodity on which the tare is marked to be falsely marked, or if the purchaser request it, shall unpack any barrel or other parcel of such commodity, and if he find the tare greater than is marked, the manufacturer or packer and filler who sold the same, shall pay the expense of unpacking or repacking, in addition to any penalty imposed by law. But if otherwise, the said expense shall be paid by the inspector, if he acted on his own suspicion, or by the purchaser, if the trial was made at his request.

1882. *Prosecution.* Every inspector shall endeavor to enforce the law as to the inspection of commodities of which he is inspector, and in every case in his knowledge of any violation thereof, shall inform the attorney for the commonwealth of his county or corporation.

1883. *Inspectors not to trade in commodities inspected; penalties.* If any inspector, deputy inspector, or culler of lumber, trade in or purchase, otherwise than for his own consumption, any commodity of which he is inspector or culler, he shall forfeit, if an inspector of flour, corn meal, bread, fish, pork, beef, tar, pitch, or turpentine, seven dollars for every barrel, cask, bag, or box, or for every five bushels of salt in bulk, so traded in or purchased; if an inspector of butter or lard, five dollars for each tub, firkin, keg, or barrel; and if an inspector of lumber or hemp, or a culler of lumber, one hundred dollars for every such offence. But nothing in this section shall be construed to prevent an inspector or culler of lumber from selling any commodity which he may have received in payment of his fees.

1884. *Right to require inspection.* The acts repealing this section provide: "Nothing in this act shall deprive the vendor or the purchaser of any package of flour or fish of the right to require the inspection of the same if he so desires."

1885. *Imitation or falsifying of brands.* If any person willfully use or imitate the brand or mark of any other person on any such commodity, or pack any such commodity in a barrel, cask, box, bag or bale, tub, firkin, or keg, previously branded or marked with the name or brand of any other person, or alter the brand or mark made by an inspector on such commodity, or shift or change the contents of any such barrel, cask, box, bag or bale after it has been inspected, or mark or brand with the brand or mark of the inspector, or in imitation thereof, any not inspected, and sell or offer to sell the same, he shall be fined twenty dollars for every such offence.

1886. *Penalty for underweight.* If any person sell, or offer to sell, any such commodity in barrels, or other package or parcel, known by him to be of less weight, size, and gauge (after allowing for ordinary shrinkage and loss of weight) than is required by law, or than is marked or branded thereon, or than is stated in the certificate of the inspector thereof, he shall forfeit ten dollars for every such barrel, package, or parcel so sold or offered for sale.

1887. *Recovery of penalty.* If any penalty hereinbefore imposed shall be recovered of any person other than the manufacturer or packer of the article for any default of said manufacturer or packer, such person may recover the amount paid by him from such manufacturer or packer.

1888. *Penalty for neglect or omission on part of inspector.* If any inspector or culler mark or brand any barrel or other package of any such commodity, or give a certificate of his having inspected any lumber or salt in bulk, without having actually inspected the same, or pass or brand any such commodity as merchantable which he knows to be unfit to pass (unless ordered by reviewers, according to law), or permit any other person to use his mark or brand for that purpose, or be guilty of any wilful neglect or omission of his duty as inspector, he shall be fined fifty dollars for every such offence.

1889. *Inspector's record; salt manufacturer's report.* Every inspector shall keep a book, in which he shall enter an account of the quantity and description of the commodities inspected by him; and each manufacturer of salt shall return monthly, to

the inspector of salt in the county, city, town, or district to which he belongs, a statement of the salt removed from his manufactory without being inspected, to be entered by said inspector in his said book.

1890. *Inspector's quarterly statements.* Each inspector of salt shall deliver quarterly, under oath, an abstract of all salt so inspected by, or stated to him, to the clerk of the court of his county or corporation; and each inspector of flour, meal, or bread shall publish, quarterly, a statement of the quantity and quality of the said commodity inspected by him.

Codes of 1904, vol. 1, title 25, ch. 84, pp. 972–981.

1844. *Appointment of various inspectors.* Inspectors may be appointed of any of the following commodities, to-wit: flour, corn meal, bread, salt, fish, pork, beef, tar, pitch, turpentine, lumber, hemp, butter, or lard, but no inspection shall be required or made of lumber exported from the state by the party who shall have cut the same on his own land, except at the request of such party. Such appointment shall be made annually, in September or October, by the Governor, for the several counties, cities, and towns in which it may be necessary to appoint such inspectors. The same person may be appointed inspector of two or more of said commodities; but there shall not be in the same city or town more than one, nor in the same county more than six inspectors of the same commodity.

1845. *Vacancy.* In case of a vacancy in the office of inspector, the Governor shall appoint one for the residue of the year.

1846. *Deputy inspectors.* Any inspector (other than an inspector of lumber), with the approbation of the Governor, may appoint one or more deputies to assist him, for whose acts his principal shall be liable, and be entitled to the same fees as for his own.

1848. *Removal from office.* The Governor may remove from office at any time an inspector or deputy inspector, for neglect of duty, incapacity, or misconduct.

1849. *Inspection districts.* Where more than one inspector shall be appointed in the same county for the same commodity, the court shall lay off the county into as many districts as there are inspectors, and assign one to each inspector; and no inspector shall be authorized to inspect such commodity in the district assigned to any other, except when that other shall fail, on being required by the owner, promptly to inspect the same.

Code of 1904, vol. 1, title 25, ch. 84, pp. 971–972.

MEAT.

See Flour, etc., Inspection law.

SALT.

See Flour, etc., Inspection law.

VINEGAR AND CIDER.

1898c. (1) *Standard.* No person shall manufacture, produce, sell, keep for sale, or offer for sale any vinegar which shall not have an acidity equivalent to the presence of at least four and one-half per centum by weight of absolute acetic acid, or any cider vinegar which shall have less than such amount of acidity or less than two per centum by weight of cider vinegar solids upon full evaporation over boiling water.

(2) *Imitation cider vinegar.* No person shall manufacture, produce, sell, keep for sale, or offer for sale any vinegar or product in imitation or semblance of cider vinegar which is not cider vinegar.

(3) *Sale of imitation cider vinegar.* No person shall sell, keep for sale, or offer for sale as or for cider vinegar any vinegar or product which is not cider vinegar.

(4) *Injurious ingredients.* No person shall manufacture, produce, sell, keep for sale, or offer for sale any vinegar which shall contain any preparation of lead, copper, sulphuric acid, or other ingredients injurious to health or any artificial coloring matter.

(5) *Brand for cider vinegar.* Every manufacturer or producer of cider vinegar shall plainly brand on each head of the cask, barrel, keg, or other package containing such vinegar his name and place of business and the words "cider vinegar;" and no person shall label or brand as for cider vinegar any package containing vinegar which is not cider vinegar.

(6) *Penalty.* Whoever by himself or another violates any of the provisions of any of the foregoing sections shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars.

(7) *Cider vinegar defined.* For the purpose of this act the term "cider vinegar" shall be understood to mean vinegar made exclusively of pure apple juice. Sections one, two, and four shall not apply to any vinegar or produce manufactured or in process of manufacture at the time of the passage of this act, but the provisions of law existing at the time of the passage of this act shall apply thereto.

1898d. (1) *Branding of pure apple cider.* Every person selling or exposing to sale any cider which is composed of nothing but pure apple juice and such ingredients as may be necessary to preserve same shall label or brand so as to be conspicuously seen by the buyer each and every barrel, cask, keg, or other vessel of whatsoever kind in which the same is kept or from which it is sold or otherwise disposed with the words "pure apple cider."

(2) *Branding of "chemical cider."* Every person selling or exposing to sale any cider which is not composed of pure apple juice and such ingredients as may be necessary to preserve it shall label or brand so as to be conspicuously seen by the buyer each and every barrel, cask, keg, or other vessel of whatsoever kind in which it is kept or from which it is sold or otherwise disposed with the words "chemical cider."

(3) *Penalty.* Any person violating the provisions of the foregoing sections or either of them shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty dollars nor more than fifty dollars.

Code of 1904, vol. 1, title 25, ch. 84, pp. 986–987.

WATER.

3813. *Penalty for polluting water.* If any person knowingly or wilfully cast any dead animal, or any other noxious substance or matter, or what is commonly known as bait, into any water course of the state, above tide-water, by which the health of any person along said water course is affected or the water is rendered impure or offensive, he shall be fined not less than ten nor more than fifty dollars.

3813a. *Defiling of sources of water supply; penalty.* It shall be unlawful except as hereinafter provided for any person to defile or render impure, turbid, or offensive the water used for the supply of any city or town of this state or the sources or streams used for furnishing such supply or to endanger the purity thereof by the following means or any of them, to wit: By washing or bathing therein, or by casting into any spring, well, pond, lake, or reservoir from which such supply is drawn, or into any stream so used or the tributary thereof above the point where such supply is taken out of such stream or is impounded for the purposes of such supply, or into any canal, aqueduct, or other channel or receptacle for water connected with any works for furnishing a public water supply any offal, dead fish, or carcass of any animal, or any human or animal filth or other foul or waste animal matter, or any waste vegetable or mineral substance, or the refuse of any mine, manufactory, or

manufacturing process, or by discharging or permitting to flow into any such source, spring, well, reservoir, pond, stream, or the tributary thereof, canal, aqueduct, or other receptacle for water the contents of any sewer, privy, stable, or barn-yard, or the impure drainage of any mine, any crude or refined petroleum, chemicals, or any foul, noxious, or offensive drainage whatsoever, or by constructing or maintaining any privy-vault or cesspool, or by storing manure or other soluble fertilizer of an offensive character, or by disposing of the carcass of any animal, or any foul, noxious, or putrescible substance, whether solid or fluid, and whether the same be buried or not, within two hundred feet of any water course, canal, pond, or lake aforesaid, which is liable to contamination by the washing thereof or percolation therefrom: provided, that nothing in this act contained shall be construed to authorize the pollution of any of the waters in this state in any manner now contrary to law: and provided, further, that this act shall not apply to streams the drainage area of which above the point where the water thereof is withdrawn for the supply of any city or town or is impounded for the purposes of such supply shall exceed fifty square miles.

That any person knowingly or wilfully violating the terms of this act shall be deemed guilty of a misdemeanor, and shall be punished for each offence by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days or by both at the discretion of the court: and provided, further, that nothing herein contained shall be so construed as to prevent the washing of ore or minerals in any of the streams or waters of this commonwealth other than such as may be used for the water supply of any city or town.

3813b. *Dead animals placed in reservoirs, etc.; penalty.* Any person or persons who shall knowingly and wilfully throw or cause to be thrown into any reservoir or other receptacle of drinking water or spring or stream of running water ordinarily used for the supply of drinking water or domestic purposes of any person or family, town or city in this commonwealth the dead body of any animal, or shall drown and leave or cause to be drowned and left any animal therein shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars or imprisoned not exceeding six months or both at the discretion of the court in which such conviction is made.

Code of 1904, vol. 2, title 52, ch. 186, pp. 2036–2038.

1038. *Municipal jurisdiction for protection of water works.* In addition to the powers conferred by other general statutes, the council of every city and town shall have power * * * to prevent the pollution of the water and injuries to the water works, for which purpose their jurisdiction shall extend to five miles above the same; * * * .

Code of 1904, vol. 1, title 16, ch. 44, p. 496.

WASHINGTON.[a]

The food laws of this State were modeled in a general way after the proposed National laws, to which so much attention has been given. The State dairy and food commissioner is charged with their enforcement. It is made the duty of the chemist of the State experiment station to examine all samples referred to him by the commissioner.

In reply to a letter of inquiry, the following statement was received from Mr. L. Davies, the dairy and food commissioner:

Our legislative enactments touching the pure-food question are not so full in this State as might be desired, but as far as they go they have been very well enforced. One thing to be desired especially is the proper labeling of our food packages, and along that line work is being especially directed at present.

GENERAL FOOD LAWS.

7275. *Diseased or unwholesome provisions.* Every person who shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, shall, on conviction thereof, be imprisoned in the county jail not more than one year, and be fined not exceeding one thousand dollars, or fined only.

Ballinger's Annotated Codes and Statutes, 1897, vol. 2.

2865i. (1) *Adulterated food prohibited.* No person, firm or corporation shall, within this state, sell, offer for sale, have in his possession with intent to sell, or manufacture for sale, any article of food which is adulterated within the meaning of this act.

(2) *Terms "food" and "misbranded" defined.* The term "food" as used herein shall include all articles used for food, drink and condiment by men, whether mixed, simple or compound. The term "misbranded" as used herein includes all articles of food or articles which enter into the composition of food or condiments, the package or label of which shall bear any statement purporting to name any ingredient or substances not contained in such article, which statement shall be false in any particular, or any statement purporting to name the substance of which such article is made, which statement shall not fully give the names of all the substances contained in the article in any measureable quantities, or which names as a single article of food any mixture or compound. The term "drink" as used herein, shall not include liquids containing two per cent or more of alcohol.

(3) *Adulteration defined.* That for the purpose of this act an article shall be deemed adulterated in the case of foods or drinks—

(1st). If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength so that such product when offered for sale shall deceive or tend to deceive the purchaser.

(2d). If any inferior or cheaper substance or substances has or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

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[a] The dairy law given in Ballinger's Annotated Codes and Statutes, vol. 1, sections 2842–2863, is omitted, as its repeal appears to have been intended by the passage of the law of March 7, 1899.

(3d). If any valuable constituent of the article has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

(4th). If it be an imitation of or sold under the specific name of any other article.

(5th). If it be mixed, colored, coated, powdered or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

(6th). If it contains any added poisonous ingredients or any ingredients which may render such article injurious to the health of the persons consuming it.

(7th). If it be misbranded, labeled or branded so as to mislead or deceive the purchaser.

(8th). If it consists of the whole or any part of a diseased, filthy, decomposed, or putrid animal or vegetable substance or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of any animal that has died otherwise than by slaughter: *Provided*, That an article of food which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases: First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under coined names and not included under definition four of this section. Second, in the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends: *Provided*, That the same shall be labeled, branded or tagged so as to show the character and constituents thereof. Third, when any article or ingredient has been added to foods because the same is required for the preparation or production thereof as an article of commerce, in a state fit for carriage, consumption, and not fraudulently to increase the bulk, weight or measure of the food, or conceal the inferiority thereof: *Provided further*, That no dealer shall be convicted under the provisions of this act if he shall prove a written guaranty of purity in a form approved by the dairy and food commissioner: *And provided further*, That the guarantor is a resident of the state of Washington. Fourth, when food is inevitably mixed with some extraneous substance in the process of collection or preparation.

(4) *Guaranty.* The guaranty referred to in subdivision eight of section 3 herein, shall contain the full name and address of the person, firm or corporation making the sale to the dealer, and such person, firm or corporation shall be held liable to all prosecutions, fines and other penalties which would attach to the dealer under the provisions of this act.

(5) *Seizure of illegal products.* Possession by any person, firm or corporation of any article of food, the sale of which is prohibited by this act, or being the consignee thereof, shall be *prima facie* evidence that the same is kept or shipped to the said person, firm or corporation in violation of the provisions of this act, and the Dairy and Food Commissioner is hereby authorized to seize upon and take into his possession such articles of food and thereupon apply to the Superior Court of the County in which such food is seized for an order directing him to dispose of or sell the same and apply the proceeds to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guarantee as required in section 4; *Provided, however*, That the said Dairy and Food Commissioner shall first give notice to the person, firm or corporation in whose possession such goods are found, or if the same are found in the possession of a common carrier, then to the consignee of such food, notifying such person, firm or corporation that he has seized the said foods and the reasons therefor, and that he has made an application to the Superior Court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten days from the service of such notice, and that at the hearing of said application the said person, firm or corporation shall show cause, if any they have, why

the prayer of the petition should not be granted. Upon the hearing of said petition the affidavits or oral testimony may be introduced to establish the contention of the respective parties. Hearing, however, may be had at an earlier day by mutual consent of the parties to said application.—*As amended March 2, 1905, Laws of 1905, ch. 51, pp. 80–81.*

(6) *Sampling.* Every person selling, exhibiting or offering for sale, manufacturing or having in his possession with intent to sell or serve, or delivering to a purchaser, any article of food included in the provisions of this act, shall furnish to any person demanding the same, who shall apply to him for the purpose and shall tender him the price at which the article of food is sold, a sample sufficient for the analysis of any such article of food which is in his possession.

All food packages shall be marked, stenciled or branded on the package in a conspicuous manner with the name of the purporting contents.—*As amended March 2, 1905, Laws of 1905, ch. 51, pp. 81–82.*

Sec. 7. *State food commissioner; salaries.* The state dairy commissioner shall also be the state food commissioner and shall be known as the dairy and food commissioner, and he shall receive in addition to his salary as state dairy commissioner $600 per year as extra compensation for enforcing the provisions of this act. He shall also have power to appoint such deputies as may be necessary, and pay therefor not to exceed three dollars per day: *Provided, however,* That the aggregate services of all deputies employed by him shall not exceed the appropriation made therefor.

Sec. 8. *Chemist.* It shall be the duty of the chemist of the state agricultural experiment station to analyze any and all substances that the dairy and food commissioner may send to him, and report to the commissioner, without unnecessary delay, the result of any analysis so made and when called upon by the said commissioner, the chemist shall assist in the prosecution of violations of the law by giving testimony as an expert or otherwise.

Sec. 9. *Prosecutions.* It shall be the duty of the attorney general and the prosecuting attorney in any county in this state, when called upon by the dairy and food commissioner, to render any legal assistance in their power to execute the law and prosecute the case arising under the provisions of this act: *Provided,* That the dairy and food commissioner may employ special counsel.

Sec. 10. *Inspection of hotels, institutions, etc.* The dairy and food commissioner or his deputies, shall have power in the performance of their official duties to enter any restaurant, eating house, hotel, public conveyance, public or private hospitals, asylum, school, eleemosynary or penal institution, where foods are served, and take for analysis any article of food or ingredients which enter into the composition of the food there used. Any articles of food or ingredients which enter into the composition of foods therein used and so taken, if found to be adulterated, shall be prima facie evidence that the same is kept to be used or served to patrons, guests, boarders or inmates of such institution, and the person, firm or corporation owning and operating restaurant, said eating-house, hotel, public conveyance, public or private hospital, asylum, school, eleemosynary or penal institution, and having in his or its possession adulterated foods, shall be deemed to have such adulterated foods contrary to the provisions of this act.

Sec. 11. *Penalties.* Every person, firm or corporation violating the provisions of this act or refusing to comply upon demand with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars ($25) and not to exceed one hundred dollars ($100), or, in case of second offense, to be imprisoned not less thirty days [a] and not to exceed ninety days, or both such fine and imprisonment. Any person found guilty of selling, offering for sale, having in his possession with intent to sell or serve, or manufacturing for sale

[a] So in Statutes.

any adulterated article of food under the provisions of this act, shall pay in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of food in addition to the costs of such action: *Provided*, That all penalties and costs for the violation of the provisions of this act shall be paid to the board of state dairy and food commission, or to their agent, and by them paid into the state treasury and applied to the general fund.

Sec. 12. *State board of dairy and food commission.* The state board of dairy commission ex officio shall be the state board of dairy and food commission and said board shall hereafter be known and described as the "state board of dairy and food commission."

Sec. 13. *Expenses.* All expenses incurred under the provisions of this act shall be paid out of the general fund, and shall be audited by the state auditor upon bills being presented, appropriately certified by the board of dairy and food commission, and the state auditor shall from time to time draw warrants upon the state treasury [treasurer] for the amounts audited.

Sec. 14. *Report of commissioner.* The dairy and food commissioner shall publish each month a report of the work of his office, including the brand, name and address of manufacturer, analysis and fines of foods found to be adulterated.

Sec. 15. *Law repealed.* An act entitled "An act to provide against the adulteration of food," approved March 13, 1899, is hereby repealed.

Approved March 16, 1901. Laws of 1901, ch. 94, p. 194; Ballinger's Annotated Codes and Statutes Supplement 1899–1903, pp. 313–317.

Sec. 1. *Addition of formaldehyde, etc., a felony; penalty.* Any person who shall sell, offer to sell, or have in his possession for the purpose of sale, either as owner, proprietor, or assistant, or in any manner whatsoever, whether for hire or otherwise, any milk or any food products, containing the chemical ingredient commonly known as formaldehyde, or in which any formaldehyde or other poisonous substance has been mixed, for the purpose of preservation or otherwise, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for the period of not less than one (1) year nor more than three (3) years.

Sec. 2. *Enforcement.* This act shall be supplementary to the laws of this state now in force prohibiting the adulteration of food and fraud in the sale thereof; and the state dairy and food commissioner, the chemist of the state agricultural experiment station, the state attorney general and the prosecuting attorneys of the several counties of this state are hereby required, without additional compensation, to assist in the execution of this act, and in the prosecution of all persons charged with the violation thereof, in like manner and with like powers as they are now authorized and required by law to enforce the laws of this state against the adulteration of food and fraud in the sale thereof.

Approved March 2, 1905. Laws of 1905, ch. 50, pp. 79–80.

BREAD, ETC.

2865j. *Sanitation of bakeries; penalties.* All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained or plumbed in a manner conducive to the proper healthful and sanitary condition thereof, and constructed with air shafts and windows or ventilating pipes sufficient to insure ventilation as the commissioner of labor shall direct, and no cellar or basement, not now used as a bakery, shall hereafter be used and occupied as a bakery and a cellar or basement heretofore occupied as a bakery shall, when once closed, not be reopened for use as a bakery. * * *

Every room used for the manufacture of flour or meal food shall be at least eight feet in height, the side walls of such room shall be plastered or wainscoted, the ceil-

ing plastered or ceiled with lumber or metal, and if required by the commissioner of labor, shall be whitewashed at least once in three months; the furniture and utensils of such room shall be so arranged as to be easily moved in order that the furniture and floor may at all times be kept in proper healthful sanitary condition.

The manufactured flour or meal food products shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be easily and perfectly cleaned.

The sleeping places for persons employed in a bakery shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored.

After an inspection of a bakery has been made by the commissioner of labor and it is found to conform to the provisions of this act, said commissioner shall issue a certificate to the owner or operator of such bakery, that it is conducted in compliance with all the provisions of this act, but where orders are issued by said commissioner to improve the condition of a bakery, no such certificate shall be issued until such order and the provisions of this act have been complied with.

The owner, agent or lessee of any property affected by the provisions of this act, shall, within thirty days after the service of notice upon him, of an order issued by the commissioner of labor requiring any alterations to be made in or upon such premises, comply therewith, or cease to use or allow the use of such premises as a bake shop; such notice shall be in writing and may be served upon such owner, agent, or lessee, either personally or by mail, and a notice by registered letter, postage prepaid, mailed to the last known address of such owner, agent, or lessee shall be deemed sufficient for the purposes of this act. * * *

Any person who violates the provisions of this act or refuses to comply with the requirements of the commissioner of labor, as provided herein, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not less than twenty-five nor more than fifty dollars or imprisoned not more than ten days for the first offense; and shall be fined not less than fifty nor more than one hundred dollars and imprisoned not less than ten nor more than thirty days for each offense after the first.

Ballinger's Annotated Codes and Statutes, Supplement 1899–1903, pp. 317–318.

SEC. 1. *Unlawful to add poisons to bread, etc.* It shall be unlawful for any person to sell, offer for sale, use, distribute, or leave in any place, any crackers, biscuit, bread or any other preparation resembling or in similitude, of any edible product, containing arsenic, strychnine or any other poison.

SEC. 2. *Penalty.* Any person violating the provisions of this act shall upon conviction be punished by a fine of not less than ten ($10.00) dollars nor more than five hundred dollars ($500.00).

Approved March 9, 1905. Laws of 1905, ch. 141, p. 259.

DAIRY PRODUCTS.

2842. (1) *Impure or adulterated milk.* It shall be unlawful for any person to sell or offer for sale, or furnish or deliver to any creamery, cheese factory, corporation, person or persons whatsoever, as pure, wholesome and unskimmed, any unmerchantable, adulterated, skimmed, impure or unwholesome milk.

2843. (2) *Impure or adulterated milk defined.* In all prosecutions or other proceedings under this or any other law of this state, relating to the sale or furnishing milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered or had in possession with intent to sell or offer for sale, or to furnish or deliver, as aforesaid, as pure, wholesome or unskimmed milk, contain less than three per centum of pure butter fat, or less than eight per centum of milk solids other than fat, when subject to chemical analysis or other satisfactory tests, or

that it, or any part of it, was drawn from cows known by the person complained of, to have been within fifteen days before or four days after parturition, or to have any disease or ulcers, or other running sores, then and in either case, the said milk shall be held and judged to be unmerchantable, adulterated, impure, or unwholesome, as the case may be, and if it shall appear that cows kept for the production of milk, or cream, for market or for sale or exchange, or for manufacturing their milk into articles of food, are kept in a crowded or unhealthy condition, or are being fed on distillery waste or other substance in a state of putrefaction or rottenness, or upon any substance of an unhealthful nature, the milk or cream from same is hereby declared impure and unwholesome. Any milk or cream from the same that has been exposed to or contaminated by emanations, discharges or exhalations from persons or animals, or to which has been added any borax, boracic acid, salycillic[a] acid, or any other poisonous substance which prevents or tends to prevent the normal bacterial actions of milk, is hereby declared to be impure and unwholesome.

2844. (3) *Cheese brands.* The Washington state dairy commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state, and under any regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto and the words "Washington State Full Cream Cheese." Every brand issued shall be used on the outside of the cheese, and shall have a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese or packages containing the same, and such cheese only as shall contain thirty per centum of pure butter fat and have been manufactured from pure and wholesome milk, from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter nor any substance for butter, or any animal or vegetable fats or oils, have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling said cheese, shall be stamped with the "state brand." All cheese containing less than thirty per centum of pure butter fat shall be marked "skimmed cheese" in full-face capital letters not less than one inch high, with such ink as is not easily removed by moisture. The manufacture or sale of any cheese containing less than fifteen per centum of pure butter fat, or so-called "filled cheese," is hereby prohibited: *Provided*, That nothing in this section shall be construed to apply to Edam, Brickstein, Pineapple, Limburger, Swiss or hand-made cheese, or any other fancy cheese: *Provided further*, That cheese not made in this state, but which shall be sold or offered for sale in this state, shall be so stamped as to indicate its true character: *And provided further*, That no cheese shall be stamped "full cream" which does not in every particular comply with the requirements of "Washington full cream" cheese, as hereinbefore set forth, except as to place of manufacture.

2844a. (4) *Reports from creameries, cheese factories, etc.* The dairy commissioner shall furnish blanks to all proprietors or managers of creameries, cheese factories, or milk dairies that ship milk and all the vendors and peddlers of milk within the state, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories, and all milk dairies, milk vendors or milk peddlers, shall fill out the blank, giving a full and accurate report of the business done during the year, and send it to the dairy commissioner before the first day of November of each year, every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or it to the producer a tag contain-

[a] So in Statutes.

ing in plain figures a correct statement of the capacity thereof. Any neglect or failure or false statement on the part of any proprietor or manager of such creamery, cheese factory, dairy or milk vendor or milk peddler, shall be considered a misdemeanor, and upon conviction thereof shall be punished by a fine as provided in section 13: *Provided*, That any information thus furnished shall be published only in such forms as to show totals and averages, and not the details of the business of any individual or concern.

2846. (5) *Regulating use of imitation butters.* No person, by himself, his agents or his servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or serve for patrons, guests, boarders or inmates of any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum, school or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or the cream from the same, with or without harmless coloring matter, which shall be in imitation of yellow butter produced from pure, unadulterated milk or the cream from the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture and sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to resemble butter, or the use of the same by patrons, guests, boarders or inmates of any hotel, eating house, restaurant, public conveyance or boarding house, when signs are displayed in a conspicuous place that may be easily read from any part of the room.

2847. (6) *Pure cheese.* It shall be unlawful for any person to sell, or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except salt, rennet and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or pure half-skimmed milk.

2848. (7) *Dairy commissioner.* There shall be appointed by the governor, by and with the consent and advice of the senate, one competent person who shall be denominated the dairy commissioner, whose term of office shall continue four years from and after the first Monday in April after his appointment, subject to removal for cause by the governor, or until his successor be appointed and qualified.

2849. (8) *Commissioner's bond.* Before entering upon his duties said dairy commissioner shall file with the secretary of state a good and sufficient bond in the sum of five thousand dollars ($5,000) conditioned for the faithful discharge of his duties under this act.

2850. (9) *Appointment of deputies.* Said dairy commissioner may appoint one or more deputies whenever he is unable to perform all the duties of his office without assistance. They shall hold office at the pleasure of the dairy commissioner who may summarily remove any such deputy whenever in his judgment the public service calls for such removal.—*As amended March 6, 1905. Laws of 1905, ch. 92, p. 196.*

2851. (10) *Duties of commissioner.* It shall be the duty of the dairy commissioner to devote his entire time and attention to the dairy interest of the state of Washington, to enforce all laws that now exist or that may be hereafter enacted in this state regarding the production, manufacture or sale of dairy produce, and personally to inspect any articles of milk, butter, cheese, or imitations thereof, made or offered for sale within the state, which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit; and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated or counterfeit dairy products contrary to law.

2852. (11) *Analyses.* It shall be the duty of the chemist of any state institution to correctly analyze, without extra compensation, and without other charge to the state

than necessary traveling expenses, any and all substances that the dairy commissioner may send to any of them and to report to him without unnecessary delay the result of any analysis so made, and when called upon by said dairy commissioner, any such chemist shall assist him in prosecuting violators of the law, by giving testimony, either expert or otherwise.

2852a. (12) *Inspection and sampling.* The dairy commissioner or his deputies shall have power, in the performance of their official duties, to enter any creamery, cheese or condensed milk factory, store, salesroom, warehouse, or any place or building where he has reason to believe that any dairy products or imitations of dairy products are kept, made, prepared, sold, or offered for sale or exchange; and to open any cask, tub, package or receptacle of any kind, containing or supposed to contain any such article, and to examine or cause to be examined and analyzed, the contents thereof; he may seize or take any such article for analysis: *Provided*, That if the person from whom such sample is taken shall request him to do so, he shall at the same time and in the presence of the person from whom such property was taken, seal up two samples of the articles seized or taken, one of which shall be for examination or analysis under the direction of said commissioner, and the other of which shall be delivered to the person from whom the article is taken.

2855. (13) *Penalties for violating law or obstructing enforcement.* Any person who shall violate any of the provisions of this act, or who shall obstruct the dairy commissioner in the performance of his duties under this act by refusing him entrance to any place enumerated in the preceding section, or by refusing to deliver to him any dairy products or imitations thereof upon demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25), nor more than one hundred dollars ($100), or by imprisonment for not less than one month or more than six (6) months, or by both such fine and imprisonment.

2857. (14) *Salary of commissioner.* The dairy commissioner shall receive an annual salary of twelve hundred dollars ($1,200) and his necessary expenses in the discharge of his duties under this act: *Provided*, That such expenses shall not exceed one thousand dollars ($1,000).

2858. (15) *Prosecutions.* It shall be the duty of the attorney general or the prosecuting attorney in any county of the state, when called upon by the dairy commissioner, to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act: *Provided*, That the dairy commissioner may employ special counsel when necessary.

2859. (16) *State board of dairy commissioners.* The secretary of state, the professor of agriculture of the agricultural college and the dairy commissioner are hereby created a state board of dairy commissioners *ex officio*.

2860. (17) *Expenses of board.* The state board of dairy commissioners shall receive no compensation for their services as such board, but shall be allowed necessary traveling expenses. All accounts for expenditure incurred or made pursuant to the provisions of this act shall be approved and certified by said state board of dairy commissioners before presentation to the state auditor.

2861. (18) *Report.* The state board of dairy commissioners shall biennially, on December first, report to the governor of this state a full account of their actions under this act; also the operations and results of this and any other laws pertaining to the dairy industry of the state; a full account of all expenses and disbursements of the board; as full and complete statistics as it is in their power to collect pertaining to manufacture, imports and exports of dairy products within the state for the biennial term; and shall make suggestions as to the need of further legislation on this subject.

2862. (19) *Auditing of expenses.* All expenses incurred under the provisions of this act shall be audited by the state auditor upon bills being presented, properly

certified by the board of dairy commissioners, and the said auditor shall, from time to time, draw warrants upon the state treasurer for the amounts thus audited.

2862a. (20) *Appropriation.* To carry out the provisions of this act, there is hereby appropriated out of the general fund of the state for the term beginning April 1, 1899, six thousand dollars ($6,000).

2863. (21) *Disposition of fines.* One-half of all fines collected under the provisions of this act shall be paid to the state treasurer and placed to the credit of the general fund and the remainder to be paid forthwith into the treasury of the county in which the conviction is obtained.

2864. (22) *Penalty for refusing aid.* All clerks, bookkeepers, express agents, railroad officials, employes, or employes of common carriers shall render to the dairy commissioner and his deputies all the assistance in their power in tracing, finding, or discovering the presence of any article named in this act. Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials, employes, or employes of common carriers to render such friendly aid, shall be a misdemeanor, punishable by fine of not less than twenty-five ($25) nor more than one hundred dollars ($100), or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment for each and every offense.

2865. (23) *Standard cream; penalty.* No person shall sell or offer for sale any cream taken from impure or diseased milk, or any cream that contains less than eighteen per centum of pure butter fat. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100), or by imprisonment for not less than one (1) month nor more than six (6) months, or by both such fine and imprisonment.

2865a. (24) *Licenses for milk wagons; penalty.* Every person who conveys milk in carriages, carts or other vehicle for the purpose of selling the same in any city or town in the state of Washington, shall annually on the first day of June, or within thirty (30) days thereafter, procure from the state dairy commissioner a license to sell milk within the limits of said city or town, and shall pay to the said dairy commissioner the sum of one dollar ($1) for each carriage, cart or other vehicle to be used as provided for in section 29. Licenses shall be issued only in the names of the owners of carriages, carts and other vehicles and shall, for the purpose of this act, be conclusive evidence of ownership. No license shall be sold, assigned or transferred; each license shall contain the name, residence, place of business, number of carriages, carts or other vehicles used, and the number of the license. Each license[a] shall, before engaging in the sale of milk, cause his name, the number of the license and his place of business to be legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance or sale of milk. Whoever, without being first licensed under the provisions of this section, sells milk or exposes it for sale from carriages, carts or other vehicles, or has the same in his custody or possession with intent to sell, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25) for each offense, nor more than one hundred dollars ($100), or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment: *Provided*, That nothing in this section shall apply to persons handling or using the milk from not more than two cows.

(25) *License to sell milk; penalty.* Every person before selling milk or offering it for sale in a store, booth, stand or market place in any town or city, shall procure a license from the state dairy commissioner and shall pay to said commissioner the sum of one dollar ($1) yearly, within thirty days after June 1. Any person who neglects to procure such license shall be deemed guilty of a misdemeanor, and upon

[a] So in Statutes.

conviction shall be punished for each offense by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each and every offense or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment.

2865b. (26) *Skimmed milk must be labeled; penalty.* No person shall sell or expose for sale in any store or place of business or in any wagon or other vehicle used in the transportation or sale of milk from which cream has been removed or milk commonly called "skimmed milk" without first marking the can or package containing said milk with the words "skimmed milk" in large plain black letters, each letter being at least one inch high and one-half inch wide, said words to be on the side not below the middle of said can or package, where they can be easily seen. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each and every offense, or by imprisonment for not less than one month or more than six months or by both such fine and imprisonment.

2865c. (27) *Disposition of license fees, etc.* That all moneys received for licenses or from the sale of any and all goods confiscated by the dairy commissioner under this act shall be received by said commissioner and deposited the first of every month with the state treasurer, to be placed in the general fund.

2865d. (28) *Seizure of adulterated provisions.* Possession by any person or firm of an article or substance the sale of which is prohibited by this act shall be considered *prima facia* evidence that the same is kept by such person or firm in violation of the provisions of this act, and the commissioner shall be authorized to seize upon and take posession of such articles or substances, and upon the order of any court which has jurisdiction thereof, he shall sell the same for any purpose other than to be used for food, the proceeds to be paid to the state treasurer and placed to the credit of the general fund.

2865e. (29) *Butter brands; penalty.* The state dairy commissioner is hereby authorized and directed to procure and issue to the manufacturers of creamery butter of the state and under such regulations as to the custody and use thereof as he may prescribe a uniform brand bearing a suitable device or motto, and the words "Washington Creamery Butter." Every brand issued shall be used on the wrapper of each package and also on the outside of every package used by him, and shall contain a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using the said brand. It shall be unlawful to use or permit such brand to be used upon any other than Washington creamery butter or packages containing the same. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment.

2865f. (30) *Renovated butter must be so labeled; penalty.* No person, firm or corporation shall manufacture, sell or offer for sale or have in his possession with intent to sell butter known as process butter, unless the package in which the butter is sold has marked on the side of it the words "renovated butter" in capital letters one inch high and one-half inch wide with ink which is not easily removed: *Provided*, That it shall be unlawful for any retailer to sell said butter and unless a card is displayed on the package from which he is selling butter with the following words printed thereon so that it may be easily read by the purchaser "renovated butter," or if it is sold in packages on which a wrapper is used the words "renovated butter" shall be plainly printed on each and every wrapper: *Provided further*, That all process butter shipped from other states shall be subject to the same regulations as

provided in this section. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined for each and every offense not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment.

(31) *Repeal.* All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

(32) *Emergency.* An emergency exists, and this act shall take effect immediately.—*Secs. 1–32 approved March 7, 1899. Session Laws, 1899, ch. 43, p. 56.*

SEC. 33. *Cancellation of brands.* The Commissioner is hereby authorized and directed to cancel all State brands issued to creameries where the butter manufactured does not scoreninety[a] points.—*Added March 6, 1905, Laws of 1905, ch. 92, p. 197.*

SEC. 34. *Butter score.* The Commissioner or Instructor shall have the power to score the butter and the score made by them shall be final.—*Added March 6, 1905, Laws of 1905, ch. 92, p. 197.*

SEC. 35. *Care of dairy products.* It shall be the duty of the Commissioner or Instructor to give instructions in the care of milk and cream, and in the manufacture of butter and cheese.—*Added March 6, 1905, Laws of 1905, ch. 92, p. 197.*

SEC. 36. *Inspection of barns and factories.* It shall be the duty of the Commissioner or Instructor to inspect dairy barns, butter and cheese factories and condensories, and he shall have the power to condemn the same where the sanitary conditions are not conducive to a high quality of milk and cream, and to the manufacture of a high grade of butter. He may conduct the test of any creamery where he has reason to believe that the cream or milk is not tested accurately and shall condemn milk or cream arriving on the market at a temperature above seventy degrees Fahrenheit or that which is too old or in such condition as to be detrimental to the production of high grade goods.—*Added March 6, 1905, Laws of 1905, ch. 92, p. 197.*

SEC. 37. *Inspection of apparatus.* All apparatus used for the purpose of testing milk or cream furnished to any creamery shall be inspected and tested by the Dairy Commissioner, or his deputies, and any found to be faulty or defective, to be replaced through the Dairy Commissioner at cost to the user.—*Added March 6, 1905, Laws of 1905, ch. 92, p. 197.*

SEC. 38. *Unlawful manipulation of Babcock test, etc.* It shall be unlawful for the owner, manufacturer, agent or any employe of a butter or cheese factory or condensory to under or overread the Babcock test, or to manipulate for the purpose of deception any other contrivance used for determining the quality or value of milk or cream.—*Added March 6, 1905, Laws of 1905, ch. 92, p. 197.*

SEC. 39. *State dairy instructor; salary.* The Commissioner shall appoint one of his deputies who shall be known as State Dairy Instructor. He shall be a graduate of a recognized dairy school or shall have completed a course in dairying in a college where such instruction is given; he shall receive as compensation for his services one hundred dollars ($100.00) per month.—*Added March 6, 1905, Laws of 1905, ch. 92, p. 198.*

SEC. 40. *Penalties.* Any person who shall violate any of the provisions of this act or who shall obstruct the Commissioner or Instructor in the performance of their duties under this act, by refusing him entrance to any place enumerated in the preceding sections, or by refusing to deliver to him any dairy products or imitations thereof upon demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment for not less than one month or more than six months, or by both such fine and imprisonment.—*Added March 6, 1905, Laws of 1905, ch. 92, p. 198.*

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[a] So in Statutes.

SEC. 41. *Appropriations.* To carry out the provisions of this act there is hereby appropriated out of the general fund, not otherwise appropriated the sum of two thousand dollars ($2,000.00).—*Added March 6, 1905, Laws of 1905, ch. 92, p. 198.*

2865g. *Milk cans to be marked with their liquid capacity.* That all milk cans or other vessels used for the shipping, sale or dispensing of milk shall have their liquid capacity United States standard, measured and plainly sealed or stamped thereon by any county auditor, as ex-officio county sealer, or any of his deputies, in the manner already provided for the sealing of weights and measures.

2865h. *Penalty for using unstamped cans.* That any individual or corporation owning and using milk cans or other vessels or shipping, selling or dispensing of milk by measurement for a consideration in a can or vessel that has not been officially sealed and its liquid capacity plainly stamped thereon, shall be subject to a fine of five dollars for every offense, and the forfeiture of all unsealed milk cans or vessels found in his or its possession.

That any county sealer shall charge a fee of ten cents for each milk can or vessel so stamped or sealed.

Ballinger's Annotated Codes and Statutes, Supplement 1899–1903, pp. 305–313.

FISH.

3342c. * * * *License to dealers in fish; fee.* Every person, firm or corporation engaged in the business of buying and selling, packing and preserving or otherwise dealing in trout or other food fish obtained from private hatcheries of this state, shall procure a license for such business from the fish commissioner of the state and shall pay an annual license fee of $2.50.

3351f. *License to salmon dealers other than canners; fees.* Every person, firm or corporation engaged in the business of buying and selling, packing and preserving or otherwise dealing in salmon other than canners thereof, shall pay as a license the sum of thirty cents per ton gross weight or in the round of said fishes bought and sold, packed or preserved or otherwise dealt in: Provided, No person engaged in the business aforesaid shall pay less than two dollars and fifty cents per annum. It shall be the duty of each person, firm or corporation affected by the provisions of this section to render to the fish commissioner of the state of Washington, on or before the tenth day of each month, on blanks to be furnished by the said fish commissioner, a detailed statement showing gross amount of fresh fish in the round bought and sold, packed and preserved or otherwise dealt in during the preceding month, and each person shall pay to the said commissioner the amount due under the provisions hereof, on or before the tenth day of each month, and a failuae or neglect to do so shall constitute a misdemeanor, and upon conviction thereof the offender may be punished as hereinafter provided.

3351g. *License to salmon canners; fees.* Every person, firm or corporation engaged in canning salmon shall procure a license before commencing the season's packing, as follows:

For each cannery packing less than 10,000 cases per annum	$100.00
For each cannery packing from 10,000 to 15,000 cases per annum	150.00
For each cannery packing from 15,000 to 20,000 cases per annum	200.00
For each cannery packing from 20,000 to 25,000 cases per annum	250.00
For each cannery packing from 25,000 to 30,000 cases per annum	300.00
For each cannery packing from 30,000 to 40,000 cases per annum	400.00
For each cannery packing from 40,000 to 50,000 cases per annum	500.00
For each cannery packing from 50,000 to 60,000 cases per annum	600.00
For each cannery packing from 60,000 to 70,000 cases per annum	700.00
For each cannery packing from 70,000 to 80,000 cases per annum	800.00
For each cannery packing from 80,000 to 90,000 cases per annum	900.00
For each cannery packing from 90,000 to 100,000 cases per annum	1,000.00

3351h. *Basis of a license fee.* Rates on all canneries to be based upon pack of each preceding year. New canneries shall pay a license of $250 until their pack is definitely known.

3357. *Definition of word "salmon."* Whenever the term salmon is used in this act it shall be construed to include and apply to chinook, steelhead, blueback, silverside, and all other species of salmon.

3359. *Reports of fish taken.* It shall be the duty of all persons who purchase salmon or food fishes from fishermen or takers or catchers of salmon, or other food fishes, for the purpose of selling or canning them or the product of the same for profit, to report to the fish commissioner on blanks furnished by him, on or before the fifteenth day of November of each year hereafter, the number of each species of fish, stated separately, so purchased by them, or if purchased by weight, the number of pounds of each species, and the average price per pound; such statement or report shall be made under oath.

3360. *Commissioner may administer oaths.* The fish commissioner is hereby authorized to administer oaths, and may require any statement made to him in application for license, or in any report submitted to him, or in any matter connected with the discharge of his official business, to be made to him under oath.

3361. *Definitions.* The term "person or persons," when used in this act, shall be taken to include partnerships, associations and corporations. The term "seine" in this act, is intended to cover all forms of nets known as seines, purse seines or purse nets, trawls, beam trawls, stow nets, draw nets, bag nets, drag nets, drift nets, reef nets and dredge nets.

3361a. *Reports confidential; penalty for publishing.* All reports showing the status of the business of any person required under the provisions of this act to report to the fish commissioner, shall be treated by said commissioner as confidential and shall not be open to public inspection, nor shall they be published in any way by the commissioner or communicated with any person unless their publication shall be necessary in some civil or criminal proceeding against said person or persons for the purpose of enforcing the provisions of this act: Provided, That the fish commissioner may utilize any and all statistics furnished him in any annual, biennial or other report made by him where the use of said statistics or information will not disclose to the public the condition of business of any person: And provided further, That if the fish commissioner or anyone in his employ shall willfully publish the said information or statistics disclosing the condition of business of any individual in violation of this section, he shall be guilty of a misdemeanor and shall be punished by a fine of any amount not exceeding one thousand dollars.

3361b. *Penalties for violation.* Any person violating any of the provisions of this act, whether or not such violation is otherwise specifically declared to be a misdemeanor, either by neglecting to observe the requirements of this act or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction therefor for each and every offense, be subject to a fine of not less than ten dollars nor more than two hundred and fifty dollars.

3361c. *Repeal.* All acts and parts of acts in conflict with the provisions of this act are hereby repealed: Provided, That all licenses now existing under the laws heretofore in force shall be continued for the time such licenses may have to run or for the unexpired portion thereof, the same as if this act had not taken effect, and such licenses shall be renewed upon application upon the payment of the license fees as provided by this act.

An emergency exists, and this act shall be in effect immediately.

Approved March 13, 1899. Ballinger's Annotated Codes and Statutes, Supplement 1899–1903, pp. 372–381.

RULES AND REGULATIONS.

The term "mis-branded" may be defined as follows: An article shall be considered mis-branded if there is a false statement printed upon the label.

The brand or label on every article of food shall be printed in English, except where the foods are manufactured in a country not speaking the English language.

All mixtures, compounds, combinations, limitations, or blends shall be labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends, and the character and constituents thereof shall be plainly printed on the label.

Third, a coin name is defined as a word to designate any mixture, compound, combination or blend used as an article of food, which is, or has been, in addition to the vocabulary of the English language.

All drinks containing less than two per cent. alcohol, soda water syrups and fruit syrups, shall not contain any saccharine, salicylic, benzoic or boric acid. All soda fountain syrups and fruit syrups, if artificial, shall have the word "artificial" printed on the label of the package, in the same size, style and color of letter and background as the name of the article. All soda fountains, or places where soft drinks are sold or served shall have printed on a placard the words "Artificial Drinks" and hung in front of the fountain, or in a conspicuous place.

The use of coal tar dyes in coloring food products is prohibited.

Saccharine cannot be used in food products.

All eating houses, hotels, restaurants, etc., shall be subject to the same rules and regulations as provided for dealers of food products.

Refilling bottles, cans or dishes of any description with a different product than they contained originally, without removing the label, will be considered a violation of the law. Having on the table will be an evidence of serving.

All compound bulk goods shall be put up in packages which will show that they are compounds, with a statement of the character and constituents printed thereon.

The use of salicylic acid as a preservative is prohibited.

All decomposed, putrid, infected or rotten animal, vegetable or fruit substance, and articles, whether manufactured or not, cannot be sold without violating the law.

Baking powders. Baking powders can be sold without formula, but if labeled "Cream of Tartar" "Phosphate Powder" etc., shall state the character and constituents thereof, and shall contain no ingredients injurious to health.

Buckwheat flour, if labeled "Buckwheat Flour," shall be true to name. It can be mixed with a substance not injurious to health if sold as "Buckwheat Flour Compound," with the character and constituents printed on the label. Buckwheat flour containing no other substance but for leavening and seasoning purposes may be sold if labeled "Self Rising Buckwheat Flour."

Butter. It must be made exclusively of milk and cream. It may be colored with coloring matter not injurious to health. Every creamery shall secure a state brand from the commissioner. It shall be unlawful to use such brand upon any other than Washington creamery butter, or packages containing the same. Process butter in tubs or cases shall be marked "Renovated Butter" in capital letters one inch high and one half inch wide, with ink which is not easily removed. Every print shall have on it a wrapper containing the words "Renovated Butter" printed thereon so that it may easily be read by the purchaser, and every tub from which it is sold shall have on it a card on which are the words "Renovated Butter" so that it may be read from any part of the room. All butter shipped into the state from other states is subject to the same rules and regulations.

Candy must not contain terra alba, barytes, talc or other earthy or mineral substances or any colors, flavors or ingredients injurious to health.

Catsup shall contain no ingredient injurious to health. Tomato catsup shall be the product of the tomato.

Cheese shall be made exclusively of milk or cream. Every cheese factory is required to secure from the commissioner the state brand. The brand shall be used on the outside of the cheese and shall have a different number for each separate manufactory. The said brand shall not be used on any other but full cream cheese, containing not less than 30 per cent. of butter fat. All cheese containing less than 30 per cent. of butter fat shall be marked "Skimmed Cheese" in full faced capital letters not less than one inch high and one-half inch wide. The manufacture and sale of any cheese containing less than 15 per cent. of butter fat or filled cheese is prohibited.

Coffee if sold as such shall be true to name. It may be mixed with chicory or other substances not injurious to health, if marked so as to plainly indicate that it is a compound, with the character and constituents thereof printed on the label or package.

Coffee substitutes. Mixtures of cereals or other articles sold as a substitute for coffee shall be sold as a mixture or compound under an original or coin name.

Chocolate and cocoas if containing no other than cocoa mass, sugar and flavoring, will not be classed as an adulteration.

Cream of tartar shall be pure and true to name. If compounded with any other article the character and the constituents of the compound shall be stated on the package.

Extracts. Vanilla shall be made from the vanilla bean. Extracts made of more than one principle shall be labeled with the name of each principle or with the name of the inferior or adulterant. For example, an extract made from vanilla and tonka shall be labeled "Extract of Vanilla and Tonka" or "Extract of Tonka." In all cases it is understood that when an extract is labeled with more than one name the type used is to be similar in size, and the name of any one of the articles shall not be given greater prominence than the other. Extracts that are not made from the fruit, berry or bean and are made artificially, such as raspberry, strawberry, pineapple or banana, shall be labeled "Artificial Flavor."

Farinaceous goods shall be true to name. Barley, hominy, cracked or rolled wheat or oats, tapioca and like articles shall be pure and unadulterated. If mixed or compounded with other articles shall be sold as a mixture or compound and not under the name of any ingredient contained therein. The compound shall show the character and constituents thereof.

Honey shall be pure. If mixed with glucose, cane sugar, or other substances shall be labeled so as to show that it is a compound, with the names of the constituents printed on the package.

Jelly shall be true to name. Imitation fruit jellies, butters or other similar compounds, made or composed in whole or in part of glucose, dextrine, starch or other substances may be sold if uncolored and are distinctly labeled "Imitation Fruit, Jelly or Butter" with the character and constituents printed on the label or package.

Lard shall be true to name. Imitation lard in the manufacturers' packages shall be distinctly branded or labeled so as to show that it is a compound. The character and constituents of the compound shall be printed on the label. This also applies to small quantities when put up for immediate delivery.

Maple sugar and maple syrup shall be pure and true to name. They may be mixed with other sugar and syrup and sold as "Maple Sugar Compound" or "Maple Syrup Compound" with the character and constituents printed on the package.

Milk shall not contain less than 3 per cent. of butter fat, and 8 per cent. solids other than fats. A can containing milk from which the cream has been removed shall be labeled "Skimmed Milk" in large, plain, black letters, each letter being at least one inch high, and one-half inch wide, said words to be on the side, not below

the middle of said can or package. The sale of milk which is impure or adulterated, or from cows which are diseased, or being fed on distillery waste or other substances in a state of putrefaction or rottenness, or any substance of an unhealthy nature, or from cows kept by a family in which there is an infectious disease, is prohibited.

Molasses shall be branded with its true and proper name, and shall be true to same. If mixed with other syrups shall be sold as "Molasses Compound," with the character and constituents stated on the package.

Oleomargarine shall not be sold in this state unless free from coloration or ingredient that causes it to look like butter. Oleomargarine shall be branded as such. Stores, hotels, restaurants, boarding houses, etc., shall have conspicuously hanging in the center or placed on the side of any store or room where it is sold or furnished, a white placard, on which is printed in black ink, in plain Roman letters the words "Oleomargarine sold here or used here" in letters which may be read from any part of the room.

Pancake flour if containing more than one article shall be sold as a mixture or compound, and not under the name of any ingredient contained therein, and shall have on the label a statement of the character and constituents thereof.

Prepared mustard. Pure mustard, mixed with vinegar and spices, may be sold as "Prepared Mustard," but if any substance or substances are added to cheapen it, such as flour, etc., it shall be deemed adulterated unless the character and constituents thereof are stated on the package. Printed matter descriptive of the goods will be allowed upon the label below the words "Prepared Mustard."

Syrup. Each barrel, cask, pail or bottle containing syrup, molasses or glucose shall be distinctly branded or labeled with the true and proper name of such article, and, if compounded, shall be sold as "Syrup Compound," with the constituents plainly printed on the package.

Spices shall be pure and true to the name. If compounded with any other article shall be sold as a "compound" with the character and constituents of the compound stated on the package.

Vinegar. All vinegars shall contain not less than 3½ per cent. of acetic acid, and shall not contain any preparation of lead, copper, sulphuric acid, or ingredients injurious to health. All vinegars made by fermentation and oxydation shall be branded "Fermented Vinegar," with the name of the fruit or substance from which the same is made. Shall be free from foreign substance and shall not contain less than 1¾ per cent. of solids contained in the fruit or grain from which said vinegar is made, and not less than 2.5 of 1 per cent. ash or mineral matter, the same being the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor shall be branded "Distilled Vinegar," and shall be free from artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substances, products or acids, and containing not less than 1¾ per cent. of cider solids, may be sold as apple, orchard or cider vinegar.

Peas and pickles colored with copperas will be considered a violation of the law.

These rulings must not be considered as law, but as an interpretation of the law by the Commissioner. The law is also published so that you may use your judgment as to its meaning. In case of suit the law and not my rulings will be considered by the court.

WHOLESALERS' AND MANUFACTURERS' GUARANTY.

(Blank & Blank), the undersigned, wholesalers (or manufacturers), in consideration of (Jones & Brown, Blank, Wash.), retail merchants, purchasing food from us, hereby guarantee that all food sold to them shall be such as is permitted to be used by that certain act of the Legislature of the State of Washington, entitled "An act to provide against adulteration of food and fraud in the sale thereof; creating a State Board of Food Commissioners, defining their duties, and providing for an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement

of the law and fixing a penalty for the violation thereof, and making an appropriation, declaring an emergency, repealing 'An act to provide against the adulteration of food,' approved March 13, 1899," which said act was approved March 16, 1901. This guaranty to remain in force until revoked in writing.

BLANK & BLANK, ———, Wash.,
Wholesalers (or Manufacturers).

Dated at ——— this —— day of ———, 190—

NOTE.—This guaranty will not be accepted when signed by an agent who has no authority to make such an agreement.

The state has made no provision for printing the guaranties required by law. Realizing the importance of having a regular form and also a place where the guaranties may be secured I have had printed at my own expense 3,000 copies of the guaranty, which will be furnished to dealers at the following rates: 2 cents apiece, 10 for 25 cents, 25 for 50 cents, 100 for $1.00.

Stamps or postal money order for the amount required must accompany the order for the guaranties.

E. A. MCDONALD,
State Dairy and Food Commissioner.

WEST VIRGINIA.

No special provision has been made for the enforcement of the laws of West Virginia which relate to the manufacture and sale of foods.

GENERAL FOOD LAW.

19. *Unwholesome provisions; penalty.* If a person knowingly sell any diseased, corrupted or unwholesome provisions, whether food or drink, without making the same known to the buyer, he shall be confined in jail not more than six months, and fined not exceeding one hundred dollars.

20. *Adulterated provisions.* If a person fraudulently adulterate, for the purpose of sale, anything intended for food or drink, or if he knowingly sell or barter anything intended for food or drink, which is not what it is represented to be, or what it is sold for, he shall be confined in jail not more than one year, and fined not exceeding five hundred dollars; and the adulterated or other articles shall be forfeited and destroyed.

Code 1899, ch. 150, p. 986.

DAIRY PRODUCTS.

20a. *Imitation butter or cheese; penalty.* Any person who manufactures, sells or offers for sale, any substance purporting to be, or having the semblance of, butter or cheese, which substance is not made wholly from pure cream or pure milk, unless each package, roll or parcel thereof, and each vessel containing one or more packages of the same, has been distinctly, legibly and durably printed, stamped or marked thereon, the true and appropriate name of each substance, and also the fact that it is not wholly made from pure cream, or pure milk, as the case may be, or any person who sells to a consumer, any such substance not so marked or stamped, or without delivering to the consumer a written or printed statement, that it is not wholly made of pure cream, or pure milk, as the case may be, shall be fined not less than ten dollars nor more than one hundred dollars, and at the discretion of the court, be confined in jail until the fine and costs are paid, not exceeding, however, three months. But nothing contained in this act shall be so construed as to prevent the use of skimmed milk, salt, rennet or harmless coloring matter, in the manufacture of butter and cheese.

Code 1899, ch. 150, p. 986.

1. *Artificial butter to be colored pink.* That from and after the passage of this act, it shall be unlawful for any manufacturer or vender of oleomargarine, artificial or adulterated butter, to manufacture or offer for sale within the limits of this State, any oleomargarine, artificial or adulterated butter, whether the same be manufactured within or without the State, unless the same shall be colored pink.

2. *Penalty.* Any person violating any provision of this act, shall be guilty of a misdemeanor and upon conviction thereof be fined not less than twenty nor more than one hundred dollars for each offence.

3. *Jurisdiction.* Any penalty arising under this act may be enforced by any magistrate within the county in which the offence occurs.

Acts of 1891, ch. 8; Code 1899, p. 1115.

WATER.

20b. If any person or persons shall knowingly and wilfully throw or cause to be thrown into any well, cistern, spring, brook or branch of running water which is used for domestic purposes, any dead animal, carcass or part thereof, or any putrid, nauseous or offensive substance, he or they shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars, and may, at the discretion of the jury, be confined in the jail of the county not exceeding ninety days, and shall moreover be liable to the party injured in a civil action for damages.

Code 1899, p. 987.

WISCONSIN.

The dairy and food commissioner is charged with the enforcement of all of the dairy and food laws of the State. The samples taken in connection with the enforcement of the law are examined by a chemist who is appointed by the commissioner with the approval of the governor. At the last meeting of the legislature material changes were made in the food legislation of the State of Wisconsin.

GENERAL FOOD LAWS.[a]

4599. (20) *Unwholesome provisions; penalty.* Any person who shall knowingly sell any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding one hundred dollars.

4600. (21) *Penalty for sale of adulterated articles of food.* Any person who shall, by himself, his servant or agent or as the servant or agent of any other person, sell, exchange, deliver or have in his possession with intent to sell, exchange, offer for sale or exchange any drug or article of food which is adulterated shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than four months. The term "drug," as used in this section, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food or drink or condiment by man, whether simple, mixed or compound.—*As amended May 16, 1905; Laws of 1905, ch. 207, pp. 296–297.*

4601. *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of the preceding section:

1. In the case of drugs: First, if, when sold, or offered or exposed for sale or had in possession with intent to sell, under or by a name recognized in the United States pharmacopœia,[b] it differs from the standard of strength, quality or purity laid down in the latest current edition thereof; second, if when sold, or offered or exposed for sale or had in possession with intent to sell, under or by a name not recognized in said pharmacopœia, but which is found in the pharmacopœia of some other country, the national formulary or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in the latest current report of such work; third, if its strength, quality or purity falls below the professed standard under which it is sold.

2. In the case of food: First, if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its strength, quality or purity; second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable or necessary ingredient has been wholly or in part abstracted from it; fourth, if it is an imitation of, or sold under the name of, another article; fifth, if it consists, wholly or in part, of a diseased, infected, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not; sixth, if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made

[a] See also Dairy Products, etc.

[b] So in Statutes.

to appear better or of greater value than it really is; seventh, if it contains any added substance or ingredient which is poisonous, injurious, or deleterious to health, or any deleterious substance not a necessary ingredient in its manufacture; provided, that articles of food which are labeled, branded or tagged in a manner showing their exact character and composition and approved by the dairy and food commissioner of the state, and not containing any poisonous or deleterious ingredient, shall not be deemed adulterated in the case of mixtures or compounds sold under their own distinct names or under coined names and which articles, if substitutes, are not in imitation of, or sold under, the name of any other article of food; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas, except so far as may be necessary to secure freedom from adulteration, imitation or fraud.—*As amended April 29, 1903, Laws of 1903, ch. 133, p. 192, and as further amended May 16, 1905, Laws of 1905, ch. 207, pp. 297–298.*

Statutes 1898, vol. 2, ch. 187, p. 2783.

SEC. 1. *Use of wood alcohol.* No person, firm or corporation shall require or wilfully permit the use of wood alcohol, or shellac or other material dissolved in or mixed with wood alcohol, or columbian spirits within any vat or tank, in such manner as to cause injury to, or endanger the life or health of the person so using it, or of any other person or persons.

SEC. 2. *Penalty.* Any person who violates any of the provisions in section 1 of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each such offense.

SEC. 3. *Enforcement.* It shall be the duty of the commissioner of labor, the factory inspector, or any assistant factory inspector, to enforce this act.

SEC. 4. *Effect.* This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905. Laws of 1905, ch. 274, p. 415.

BAKING POWDERS.

4601b. (24) Any person who shall, by himself, his servant or agent or by the servant or agent of any other person, make or manufacture baking powder or any mixture or compound intended for use as a baking powder, or sell, exchange or deliver, or have in his possession with the intent to sell or exchange, or expose or offer for sale or exchange such baking powder, or any mixture or compound intended for use as a baking powder, which contains alum in any form or shape, unless the presence of the same be distinctly shown by a label on the outside and face of which is printed with a black ink in legible type, not smaller than brevier heavy gothic caps, the name and residence of the manufacturer and the words:

"THIS BAKING POWDER CONTAINS ALUM,"

shall be punished as provided in the preceding section.

Statutes 1898, vol. 2, ch. 187, p. 2783.

BREAD.

SEC. 1. *Sanitation of bakeries and confectioneries.* All buildings occupied for bakeries and confectionery establishments shall be well drained and all plumbing therein shall be constructed in accordance with well established sanitary principles and of good workmanship, and the rooms thereof used for the manufacture or sale of bread, and other food products shall be light, dry and airy. The room or rooms used for the manufacture of bread and other food products shall have floors and side

walls so constructed as to exclude rats, mice and other vermin and said floor and side walls shall at all times be free from moisture and kept in a good state of repair. Said floor shall have a smooth surface and be impermeable and may be constructed of wood, cement or tile laid in cement. But no floor shall be constructed in a room used for the manufacture of flour or meal products where the floor of said room is more than eight feet below the level of the street, sidewalk or adjacent ground. The walls and ceilings of such rooms used for the manufacture of bread and other flour and meal products shall be whitewashed at least as often as once in six months and the floors, utensils and furniture of such rooms as are used for the manufacture, storing or sale of said food products, and the wagons used for the delivery of said food shall at all times be kept in a sanitary clean condition. The furniture and utensils of such rooms shall also be so arranged so that the same can be easily and perfectly cleaned.

SEC. 2. *Toilet and sleeping arrangements.* No water closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room or any other room used in the manufacture of bread or other flour or meal products. The sleeping places for workmen employed in bakeries shall be separate and distinct from the places used in the manufacture of bread or other food products. While engaged in the manufacture of bread or other flour or meal products the workmen in bakeries shall provide themselves with caps and slippers or shoes and an external suit of coarse linen, used for that purpose, only, and these garments shall at all times be kept in a clean condition. All bakeries shall be provided with ample toilet facilities apart from the utensils used in the preparation of said foods to enable the workmen employed therein to keep their persons clean. Said bakeries shall also be provided with a separate dressing room to enable the workmen to change their clothes and keep the same in the proper condition.

SEC. 3. *Bakeries in basements prohibited.* After the passage of this act no new bakery shall be established in a room the floor of which is more than five feet below the level of the street, sidewalk or adjacent ground, and no bake shop shall be reopened in such a room where the same has not been used for a period of over six months.

SEC. 4. *Employees exposed to infectious disease.* No person shall work or be employed in or about any bakery or other establishment for the manufacture of food products during the time in which a case of infectious disease exists in the house in which resides[a] not thereafter until the local board of health issues a certificate in writing that no danger of public contagion would result from the employment of said person in such establishment.

SEC. 5. *Prosecution.* It shall be the duty of every occupant, whether owner or lessee of every premises used as a bakery or other establishment for the manufacture of food products to carry out the provisions of this act and make all changes and additions necessary therefor. In case such changes or additions are made upon the order of an officer or employe of the bureau of labor or of a board of health by the lessee of the premises he may at any time within thirty days after the completion thereof bring an action before any justice of the peace, municipal or district court, having competent jurisdiction against any person having an interest in such premises and may recover such proportion of the expense of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

SEC. 6. *Enforcement; inspectors; licenses.* It shall be the duty of the state bureau of labor and boards of health, both state and local, to see that the provisions of this act are enforced and the commissioner of labor shall appoint a proper and competent person to act as bakery inspector for two years, who shall perform his duties under the direction of the said commissioner. The state factory inspector or any assistant

[a] So in Statutes.

state factory inspector shall have the same power as the bakery inspector. The said bakery inspector shall receive a salary of $1,000 per annum together with necessary traveling expenses, to be paid out of the general fund not otherwise appropriated.

In cities of five thousand inhabitants or over the common councils thereof may for the more perfect enforcement of the provisions of this act, provide by ordinance for the issuing of licenses to the owners or managers of bakeries and other establishments for the manufacture or sale of bread and other food products, provided, however, that the license fee to be required shall not exceed one dollar for any single establishment per annum.

SEC. 7. *Penalty; notification.* Any person who as owner or manager of a bakery or other establishment for the manufacture of food products or as a member of a firm or officer of a corporation owning or operating such establishment, or as an employe in said establishment, violates or fails to comply with any of the foregoing provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than fifty dollars or by imprisonment in the county jail for not more than thirty days.

No criminal prosecution shall be made for any violation of the provisions of this act until thirty days after notice, in writing, by an officer or inspector of the bureau of labor or some officer or agent of the board of health, of any change necessary to be made to comply with the provisions of this act, has been served upon the owner, manager or officer operating said establishment, and not then, if in the meantime, such changes have been made in accordance with such notification.

SEC. 8. *Repeal.* All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 9. *Effect.* This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1903; Laws of 1903, ch. 230, pp. 342–345.

CANNED GOODS.

4601a. (23) *Labels; preservatives, penalty.* Any person who shall, himself, or by his servant or agent, or as the servant or agent of any other person, pack, can or preserve within this state, for use or consumption therein, fruits, vegetables, meats, fish or shell-fish, or who shall sell, exchange, deliver or have in his possession with intent to sell, or exchange or expose for sale, or offer for sale or exchange for use or consumption within this state such canned articles containing saccharin, formaldehyde, sulphurous acid or sulphites, salicylic acid, or salicylates or any substance, article or ingredient other than sugar, salt, vinegar or spices, possessing a preservative character or action, or any copper compound or other artificial coloring, or any bleaching compound, or any article injurious to health; or any person who shall, himself, or by his servant or agent, or as the servant or agent of any other person, pack, can or preserve within this state for use or consumption therein, fruits, vegetables, meats, fish or shell-fish, or who shall sell, exchange, deliver, or have in his possession with intent to sell or exchange, or expose for sale, or offer for sale or exchange for use or consumption within this state such canned articles, unless each can containing such articles shall bear a label on which shall be printed the true name of te[a] contents and the name and address of the producer or packer, canning or preserving the same, or the dealer who sells the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than sixty days.

As amended April 22, 1905; Laws of 1905, ch. 104, pp. 170–171; Statutes 1898, vol. 2, ch. 187, p. 2783.

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[a] So in Statutes.

DAIRY PRODUCTS AND OTHER FOOD SUPPLIES.

1410. (1) *Appointment of dairy and food commissioner; assistants and report.* The dairy and food commissioner shall be appointed by the governor, by and with the advice and consent of the senate, for a term of two years from the date of his appointment and until his successor qualifies. Vacancies occurring from any cause shall be filled for the remainder of the term by the governor, with the advice and consent of the senate if it shall be in session, or if it is not in session, subject to approval at the session next held after such appointment is made, if the term for which it was made has not expired. Such commissioner may, with the advice and consent of the governor, appoint an assistant, who shall be an expert in dairy products, and a chemist who shall be a practical analytical chemist; he may also, with such advice and consent, appoint an agent for the inspection of milk dairies, factories and creameries, and to assist in the work of the dairy and food commission at such times and for such periods of time as may be required in the enforcement of the dairy and food laws. The compensation of such agent shall be three dollars per day for each day of actual service, and his expenses, to be audited by the secretary of state on the presentation of accounts approved by the dairy and food commissioner. Said commissioner may also appoint a stenographer and confidential clerk. The commissioner shall be furnished with a suitable office in the capitol, and with such supplies and printing as may be necessary. He shall as soon as practicable after the thirtieth day of September in each even-numbered year make a report to the governor and give therein an itemized statement of all expenses incurred by him, and of all fines collected, with such statistics and other information and suggestions as he may regard of value.

1410a. (2) *Powers and duties of commissioner.* It shall be the duty of the commissioner to enforce the laws regarding the production, manufacture and sale of dairy products, the adulteration of any article of food or drink, or condiment or of any drug and personally or by his assistants to inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article of food, drink, condiment or drug made or offered for sale within this state which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit, and to prosecute or cause to be prosecuted any person, firm or corporation engaged in the manufacture or sale of any adulterated or counterfeit article or articles of food or drink, or condiment or drug in violation of law. The district attorney of the county in which a violation of any such law has occurred shall, when called upon by the commissioner or either of his assistants to do so, give all the aid he can to secure the execution of the law and shall prosecute cases arising under the provisions of this chapter or other provisions of these statutes relating to the adulteration of food, drinks, condiments and drugs and their sale. Such commissioner shall have power to appoint, with the approval of the governor, special counsel to prosecute or assist in the prosecution of any case arising under the provisions of these statutes imposing a penalty for adulterating dairy products, or foods, drinks, condiments or drugs or practicing deception or fraud in the manufacture and sale thereof. All fines collected in prosecutions begun or caused to be begun by the dairy and food commissioner or either of his assistants shall be paid into the state treasury.—*As amended May 12, 1905; Laws of 1905, ch. 193, p. 281.*

1410b. (3) *Access to buildings; samples; cheese stencils.* The commissioner, his agent or assistant shall have free access to any barn or stable where any cow is kept or milked, or to any factory, building, dairy or premises where any dairy product is manufactured, handled or stored, when the milk from such cow or such product is to be sold or shipped, and may enforce such measures as are necessary to secure perfect cleanliness in and around the same and of any utensil used therein, and to prevent the sale of milk from cows diseased or fed upon unwholesome food. Either of them may enter any place or building in which there is reason to believe that any food,

drink or drug is made, prepared, sold or offered for sale, and may open any package or receptacle of any kind containing, or which is supposed to contain, any article of food, drink or drug, and examine or analyze the contents thereof. Any such article or a sample thereof may be seized or taken for the purpose of having it analyzed; but if the person from whom it is taken shall so request, at the time of taking, the officer shall then and in the presence of such person securely seal up two samples of such article, one of which shall be for analysis under the direction of the commissioner, the other shall be delivered to the person from whom the sample or article was obtained. Said commissioner shall adopt a uniform stencil, bearing a suitable device or motto, a number and the words "Wisconsin full cream cheese" and a space for a number, and upon proper application therefor and under such regulations as to the custody and use thereof as he may prescribe, issue the same, with the proper number inserted, to the proprietor or manager of any cheese factory in this state; he shall enter in a book kept for that purpose the name, location and number of each factory using such stencil, no number being duplicated, and the name of the person thereat authorized to use the same.

1410c. (4) *Submission of articles for analysis; evidence.* The state board of health, medical officers of local boards of health, town and village boards or common councils may submit to the dairy and food commissioner samples of water or other drinks, of food or drugs for analysis, and the same shall be examined and reports made of the analysis thereof to the body or officer submitting the same as soon as practicable; such reports shall fully specify the results of the analysis and be signed by such commissioner; they shall be accepted in all courts and places as prima facie evidence of the properties or condition of the articles analyzed.

1410d. (5) *Farmers' institutes; expense of analyses.* The governor may authorize the commissioner or his assistants, when not engaged in the performance of other official duties, to give such aid in farmers' institutes, dairy and farmers' conventions and the agricultural department of the state university as may be deemed advisable. For the necessary expenses of making the analyses contemplated in the foregoing sections the commissioner may incur an annual expense of not to exceed six hundred dollars, the accounts for which, when verified and itemized, and approved by the governor shall be audited by the secretary of state.

Statutes of 1898, vol. 1, pp. 1058–1060.

1494a. (19) *Fraudulent accounts; penalty.* Any butter or cheese manufacturer who shall knowingly use or allow any other person to use for the benefit of himself or any other person than he who is entitled to the benefit thereof any milk or cream from the milk brought to him, without the consent of the owner thereof, or who shall refuse or neglect to keep or cause to be kept a correct account (which shall be open to the inspection of any person furnishing milk to him) of the amount of milk daily received, or of the number of pounds of butter, and the number and aggregate weight of cheese made by him each day, or of the number of cheese cut or otherwise disposed of and the weight of each, shall for each and every offense forfeit not less than twenty-five nor more than one hundred dollars, one-half of which shall be paid to the person upon whom any such fraud has been committed and who first made complaint thereof; the remainder shall be paid to the school fund.

Statutes of 1898, vol. 1, ch. 61, p. 1105.

1438g. (17) *Fraud in labeling cheese; penalty.* Any person who shall sell, offer for sale, ship or consign cheese labeled with a false brand or label as to the quality of the article, or shall use any stencil or label furnished by the dairy and food commissioner of this state and bearing the words "Wisconsin full cream cheese," other-

wise than upon the bandage on the side of full cream cheese and upon the package containing the same, shall be punished by fine of not more than fifty dollars nor less than twenty-five dollars.

Statutes of 1898, vol. 2, ch. 182, p. 2701.

4607. *Adulterated milk; penalty.* Any person who shall sell or offer for sale, furnish or deliver, or have in his possession with intent to sell or offer for sale or furnish or deliver to any creamery, cheese factory, corporation or person, any adulterated milk or any adulterated cream shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than sixty days.—*As amended April 29, 1905; Laws of 1905, ch. 138, p. 209.*

4607a. *Adulterated or unsanitary milk and cream defined.* In all prosecutions under the preceding section, or any other section of these statutes, or laws amendatory thereof or supplementary thereto, relating to the sale of adulterated milk or adulterated cream, the term adulterated milk shall mean: Milk containing less than three percentum of milk fat, or milk containing less than eight and one-half percentum of milk solids not fat, or milk drawn from cows within eight days before or four days after parturition, or milk from which any part of the cream has been removed, or milk which has been diluted with water or any other fluid, or milk to which has been added or into which has been introduced any coloring matter or chemical or preservative or deleterious or filthy substance or any foreign substance whatsoever; or milk drawn from cows kept in a filthy or unhealthy condition, or milk drawn from any sick or diseased cow or cow having ulcers or other running sores, or milk drawn from cows fed unwholesome food, or milk in any stage of putrefaction, or milk contaminated by being kept in stables containing cattle or other animals. The term adulterated cream shall mean cream containing less than eighteen percentum of milk fat, or cream taken from milk drawn from cows within eight days before or four days after parturition, or cream from milk to which has been added or introduced any coloring matter or chemical or preservative or deleterious or filthy substance or any foreign substance whatsoever, or cream from milk drawn from cows kept in a filthy or unhealthy condition, or cream from milk drawn from any sick or diseased cow or cow having ulcers or other running sores, or cream from milk drawn from cows fed unwholesome food, or cream contaminated by being kept in stables containing cattle or other animals, or cream to which has been added or into which has been introduced any coloring matter or chemical or preservative or deleterious or filthy substance or any foreign substance whatsoever, or cream in any stage of putrefaction; provided, that nothing in this act shall be construed to prohibit the sale of pasteurized milk or cream to which viscogen or sucrate of lime has been added solely for the purpose of restoring the viscosity, if the same be distinctly labeled in such a manner as to advise the purchaser of its true character; and providing that nothing in this act shall be construed as prohibiting the sale of milk commonly known as "skimmed milk," when the same is sold as and for "skimmed milk." Milk drawn from cows within eight days before or four days after parturition, or milk to which has been added or into which has been introduced any coloring matter or chemical or preservative or deleterious or filthy substance or milk drawn from cows kept in a filthy or unclean condition, or milk drawn from any sick or diseased cow or cow having ulcers or other running sores, or milk drawn from cows fed unwholesome food, or milk contaminated by being kept in stables containing cattle or other animals and cream from any such milk, or cream in any stage of putrefaction are hereby declared to be unclean and unsanitary milk or unclean and unsanitary cream, as the case may be.—*As amended April 29, 1905; Laws of 1905, ch. 138, pp. 210–211.*

4607b. *Adding antiseptics to milk, etc.* Any person who shall sell or offer for sale, consign or have in his possession with intent to sell any milk, cream, butter, cheese or other dairy products, or who shall deliver to any creamery or cheese factory milk or cream to be manufactured into butter or cheese to which milk, cream, butter, cheese or other dairy products, boracic acid, salicylic acid or compounds containing them, or other antiseptics injurious to health have been added, shall be punished by fine not exceeding one hundred dollars nor less than twenty-five dollars.

4607c. *Skimmed-milk cheese; imitation butter; penalty.* Any person who shall by himself, his agent or servant manufacture, buy, sell, offer, ship, consign, expose or have in possession for sale within this state, any cheese manufactured from or by the use of skim milk to which there has been added any fat which is foreign to such milk, or who shall by himself, his agent or servant manufacture, buy, sell, offer, ship, consign, expose or have in possession for sale within this state, any skimmed-milk cheese or cheese manufactured from milk from which any of the fat originally contained therein has been removed, except such last mentioned cheese is ten inches in diameter and nine inches in height, or who shall, by himself, his agent or servant, render or manufacture, sell or solicit or accept orders for, ship, consign, offer or expose for sale or have in possession, with intent to sell, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, and without the admixture or addition of any fat foreign to said milk or cream, which shall be in imitation of yellow butter produced from such milk or cream with or without coloring matter, shall for the first offense be punished by fine of not more than five hundred dollars, nor less than fifty dollars, and for each subsequent offense, by imprisonment in the county jail not to exceed sixty days nor less than ten days, or by fine of not more than five hundred dollars nor less than one hundred dollars, or by both such fine and imprisonment. Nothing in this section shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, and free from coloration or ingredient that causes it to look like butter.—*As amended April 9, 1901.*

4607d. *Branding of imitation butter.* Any person who shall sell or offer for sale to any person who asks, sends or inquires for butter, any oleomargarine, butterine or any similar substance made in imitation or semblance of pure butter, not made entirely from the milk of cows, with or without coloring matter, or who shall expose for sale oleomargarine, butterine, or any similar substance not marked and distinguished on the outside of each tub, package or parcel thereof by a placard with the word "oleomargarine," and not having also upon every open tub, package or parcel thereof a placard with the word "oleomargarine," such placard in each case to be printed in plain, uncondensed gothic letters not less than one inch long, and not containing any other words thereon, or who shall sell oleomargarine, butterine or any similar substance from any dwelling, store, office or public mart, without having conspicuously posted thereon the placard or sign, in letters not less than four inches in length, "oleomargarine sold here," or "butterine sold here," which placard or sign shall be approved by the dairy and food commissioner of this state, or who shall sell or deliver from any cart, wagon or other vehicle, upon the public streets or ways, oleomargarine, butterine or any similar substance, without having on the outside of both sides of said cart, wagon or other vehicle a placard, in uncondensed gothic letters not less than three inches in length, "licensed to sell oleomargarine," or who shall furnish or cause to be furnished in any hotel, boarding-house, restaurant or at any lunch counter, oleomargarine, butterine or any similar substance to any guest or patron thereof, without first notifying such guest or patron that the substance so furnished is not butter, shall be punished as provided in the last preceding section.

4607e. *Imitation butter and cheese in State institutions; penalty.* Any person who shall knowingly or negligently buy or procure for use as food in any of the charitable, correctional or penal institutions of this state any butter or cheese not made wholly and directly from pure milk or cream, salt and harmless coloring matter, shall be fined not exceeding fifty dollars nor less than twenty-five dollars for the first offense, and for each subsequent offense shall be punished by imprisonment in the county jail not more than ninety days nor less than ten days, or by fine not exceeding one hundred dollars nor less than fifty dollars, or by both fine and imprisonment.

4607h. *Obstructing performance of commissioner's duty; penalty.* Any person who shall obstruct the dairy and food commissioner of this state or either of his assistants in the performance of their duty, by refusing him entrance to any place he is authorized to enter or by refusing to deliver to him a sample of any article of food, drink or drug made, sold, offered or exposed for sale by the person to whom request therefor is made, if the value thereof is tendered, shall be punished for the first offense by fine not exceeding twenty-five dollars, and for each subsequent offense by fine not exceeding five hundred dollars nor less than fifty dollars.

4607j. *Sanitation of cow stables, utensils, etc.; penalty.* Any person owning or managing a dairy, the product of which is sold for family use, who shall feed his cows upon unwholesome food or keep them in unclean stables or handle the milk with unclean utensils shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and not less than one hundred dollars nor more than two hundred dollars for each subsequent offense.

Statutes, 1898, vol. 2, ch. 187, pp. 2787–2792.

SEC. 1. *Appointment of assistant commissioner, chemist, and inspectors; salaries.* In addition to the officials and appointees provided for by section 1410[a] of the statutes of 1898, and of chapter 144 of the laws of 1903,[b] the dairy and food commissioner may, with the advice and consent of the governor, appoint a second assistant dairy and food commissioner, an assistant chemist and eight agents or inspectors, whose duties shall be to assist in promoting the work of the dairy and food commissioner in the manner herein provided and in such way as may be required by the dairy and food commissioner in the enforcement of the dairy and food laws. Of the eight agents or inspectors herein provided for, three shall be creamery, dairy and food inspectors, whose duties, in addition to the general duties hereinbefore provided, shall be to inspect creameries, dairies, foods and drugs, under the direction and supervision of the dairy and food commissioner; four shall be cheese factory, dairy and food inspectors, whose duties in addition to the general duties hereinbefore provided, shall be to inspect cheese factories, dairies, foods and drugs, under the direction and supervision of the dairy and food commissioner, and one shall be chief food inspector. The second assistant dairy and food commissioner and the creamery, dairy and food inspectors herein provided for, shall be expert creamery butter makers, skilled in the technical work of creameries, competent judges of creamery products, and versed in modern scientific and practical dairy husbandry. The cheese factory, dairy and food inspectors herein provided for shall be expert cheese makers, skilled in the technical work of cheese factories, competent judges of cheese factory products and versed in modern scientific and practical dairy husbandry. The chief food inspector shall be experienced in modern grocery business. The assistant chemist shall be a competent analytical chemist and shall devote his time exclusively to the work of the commission. The annual salary of the second assistant commissioner shall be sixteen hundred dollars; the annual salary of the assistant chemist, of the creamery, dairy and food inspectors and of the chief food inspector shall be each twelve hundred dollars; the compensation of each of the cheese factory, dairy and food inspectors shall be one hundred dol-

[a] See p. 677. [b] See p. 683.

lars per month. The aforesaid salaries and compensation shall be paid in the same manner as is provided by law for the payment of salaries of other state officers and employees. There shall also be paid to the second assistant commissioner and to each of the agents or inspectors and assistant chemist herein provided for, their necessary and actual expenses incurred in the discharge of their official duties, on the approval by the dairy and food commissioner and the governor, of verified and itemized accounts therefor.

SEC. 2. *Powers of officers.* The officers designated in section 1 of this act shall have all the powers that are conferred by law upon any agent, inspector or assistant of the dairy and food commissioner.

SEC. 3. *Effect.* This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905. Laws of 1905, ch. 390, pp. 629–630.

SEC. 1. *Labeling of renovated butter.* No person, shall, himself, or by his agent or servant, sell, offer or expose for sale, or have in his possession with intent to sell, or exchange or deliver renovated butter, or butter which has been melted and its rancidity removed or masked, and which has been regranulated, colored and prepared in imitation or in semblance of genuine creamery butter, unless the substance shall have the words "Renovated Butter" conspicuously stamped, labeled or marked in one or two lines and in plain Gothic letters, at least three-eights[a] of an inch square, so that the words cannot be easily defaced, upon two sides of each and every tub, firkin, box or package containing said renovated butter; or, if such butter is exposed for sale uncovered, or not in a case or package, a placard containing said words in the same form as above described in this section shall be attached to the mass in such a manner as to be easily seen and read by the purchaser; and when renovated butter is sold from such package or otherwise at retail, in print, roll or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the words "Renovated Butter," printed or stamped thereon in one or two lines and in plain Gothic letters at least three-eights[a] of an inch square, and such wrapper shall contain no other words or printing thereon, and said words "Renovated Butter" so stamped or printed on the said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.—*As amended March 27, 1905. Laws of 1905, ch. 34, p. 86.*

SEC. 2. *Penalty.* Any person who shall violate any of the provisions of this act [the preceding paragraph] shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars.

Approved March 30, 1899. Laws of 1899, ch. 76, p. 104.

SEC. 1. *Standard for condensed milk.* No person shall manufacture for sale within this state, or offer or expose for sale, have in his possession with intent to sell, or sell or exchange, any condensed milk, sweetened or unsweetened, unless the same shall contain not less than twenty-eight percentum, by weight, of milk solids, of which not less than one-fourth shall be milk fat.

SEC. 2. *Standard for condensed or evaporated cream.* No person shall manufacture for sale within this state, or offer or expose for sale, have in his possession with intent to sell, or sell or exchange, as and for evaporated or condensed cream, any substance except the product obtained by the evaporation of a portion of water from cream containing not less than eighteen percentum, by weight, of butter fat. Provided, that nothing in this act shall apply to goods manufactured for sale and shipment outside of the state.

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[a] So in Statutes.

Sec. 3. *Penalty.* Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than sixty days.

Sec. 4. This act shall take effect and be in force from and after January 1st, 1906.

Approved May 25, 1905. Laws of 1905, ch. 247, p. 352.

Sec. 1. *Milk of diseased and improperly fed cows.* No person by himself or agent shall offer for sale, furnish or deliver, or have in possession with the intent to sell, or offer for sale, or furnish or deliver milk or cream drawn from sick or diseased cow or cows kept in filthy and unsanitary condition, or cows fed on refuse or slops from distilleries or vinegar factories, unless such refuse or slop be mixed with other dry sanitary grain or food to a consistency of a thick mush.

Sec. 2. *Foreign substance not to be added to milk or cream not pasteurized.* No person by himself or agent shall offer for sale or furnish or deliver or have in possession with the intent to sell, offer for sale, or furnish or deliver, any milk or cream having therein or containing in any amount any foreign substance or coloring matter or any chemical or preservative, whether for the purpose of increasing the quantity of milk or cream or for improving its appearance, or for preserving the condition of sweetness thereof, or for any purpose whatever, provided that nothing in this act shall be construed to prohibit the sale of pasteurized milk or cream, to which viscogen or sucrate of lime has been added solely for the purpose of restoring the viscosity, if the same be distinctly labeled in such manner as to advise the purchaser of its true character.

Sec. 3. *Penalty.* Any person violating any of the provisions of this act shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense, or be confined in the county jail not less than thirty days nor more than sixty days.—*As amended April 8, 1905; Laws of 1905, ch. 66, p. 125.*

Approved May 2, 1899. Laws of 1899, ch. 313, p. 579.

Sec. 1. *Biennial report; quarterly bulletins.* In lieu of the twenty thousand copies of the biennial report of the dairy and food commissioner, as provided in section 335c of the statutes of 1898, the number of copies of the said biennial report of the dairy and food commissioner shall be five thousand bound in cloth, and the said dairy and food commissioner may also, with the consent of the governor, and in accordance with the laws regulating the printing and publication of public documents or bulletins, prepare, print and distribute to such persons as may be interested, or may apply therefor, a quarterly or semi-annual bulletin in suitable paper covers, containing results of inspections, results of analyses made by the chemist for the dairy and food commission, with popular explanations of the same and such other information as may come to him in his official capacity, relating to the adulteration of food, drug and drink products and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of the work done during the quarter by the commissioner and his assistants in the enforcement of the dairy and food laws of the state; but not more than fifteen thousand copies of each such quarterly bulletin shall be printed.—*As amended May 12, 1905; Laws of 1905, ch. 188, p. 274.*

Sec. 2. *Date of effect.* This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1903. Laws, 1903, ch. 131, p. 190.

SEC. 1. *Assistants to the commissioner; salaries.* In addition to the provisions of section 1410[a] of the statutes of 1898, the dairy and food commissioner may, with the advice and consent of the governor, appoint an assistant chemist for the dairy and food commission, when needed, who shall be paid not to exceed fifty dollars per month, in the same manner as the analytical chemist is paid; he may also, with such advice and consent, appoint two agents for the inspection of foods, milk dairies, cheese factories and creameries, and to assist in the work of the dairy and food commission at such times and for such periods of time as may be required in the enforcement of the dairy and food laws. The compensation of each of said agents shall be three dollars per day for each day of actual service and his expenses to be audited by the secretary of state on the presentation of accounts approved by the dairy and food commissioner. In addition to the foregoing, the dairy and food commissioner may appoint one expert agent or more for the special inspection of cheese factories and creameries and so far as may be deemed practicable their sources of supply, for such times and periods of time as may be deemed necessary, provided that no cost for compensation or traveling expenses of said expert agents shall thereby be incurred by the dairy and food commissioner.

SEC. 2. *Date of effect.* This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903. Laws, 1903, ch. 144, p. 208.

SEC. 1. *Collection of dairy statistics by assessor.* It shall be the duty of the assessor of each town, village and city, at the time of making the annual assessment of property, to collect dairy statistics as follows:

Of creameries: The number, the value thereof, the number of patrons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of butter made, the amount of money received for products sold during the preceding twelve months;

Of cheese factories: The number, the value thereof, the number of persons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of cheese made, the amount of money received for products sold during the preceding twelve months;

Of milk condensing factories: The number, the value thereof, the number of patrons contributory, the number of cows contributory, the number of pounds of milk received, the number of pounds of condensed milk produced, the amount of money received for the products sold during the preceding twelve months;

Of butter: The number of pounds made on farms, the value thereof;

Of cheese: The number of pounds made on farms, the value thereof;

Of milk: The number of gallons sold by producers other than that furnished or sold to creameries, cheese factories or condensed milk factories.

And said assessor shall make duplicate certificates of such statistics, one of which he shall file in the office of the town, village or city clerk, of his town, village or city as the case may be, and the other, with the clerk of his county, on or before the first day of August of the same year. The county clerk shall, on or before the fifteenth day of August of each year, forward to the secretary of state to be kept in his office, a certificate of the aggregate number of each of said items or products in his county as ascertained and compiled from the certificates of said assessors.

SEC. 2. *Duplicate records; where filed.* It shall be the further duty of each said assessor at the aforesaid time, to make duplicate lists comprising the name and location of each creamery, cheese factory and milk condensing factory located in his town, village or city, and the name and postoffice address of each owner or manager thereof, and the name and postoffice address of each buttermaker or cheesemaker

[a] See p. 677.

thereof. He shall file one of said duplicate lists in the office of the town, village or city clerk of his town, village or city, as the case may be, and the other with the clerk of his county, on or before the first day of August of the same year. The county clerk shall, on or before the fifteenth day of August of each year, forward to the secretary of state, a corresponding complete list for his county as ascertained from the lists of said assessors.

For the purposes of this act, the term creamery or cheese factory, shall mean a creamery or cheese factory, in which the milk or cream from not less than three separate herds of cows, is manufactured into butter or cheese respectively.

Sec. 3. *Compilation of reports.* The secretary of state shall compile in suitable form the information by him received, as provided in the preceding sections, and certify the same to the dairy and food commissioner before the first day of September of each year.

Sec. 4. *Secretary of state to furnish blanks, etc.* The secretary of state shall prepare and furnish to the proper officers, all blanks and instructions necessary for carrying out the provisions of this chapter.

Sec. 5. *Date of effect.* This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1903. Laws 1903, ch. 187, p. 267.

Sec. 1. *Use of Babcock tests; standard capacity of measures.* In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of 2 cubic centimeters for each 10 per cent. marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent. of butter fat contained in the same, or wherever the value of milk or cream is determined by the per cent. of butter fat contained in the same by the Babcock test.

Sec. 2. *Sale of falsely graduated measures.* Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell a milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 4 of this act.

Sec. 3. *False tests unlawful.* It shall be unlawful for the owner, manager, agent or any employee of a cheese factory, creamery, or condensed milk factory to falsely manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality or value of milk or cream or to make any false determination by said Babcock test or otherwise.—*As amended April 21, 1905; Laws of 1905, ch. 99, p. 166.*

Sec. 4. *Penalty.* Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred for each and every offense, or be imprisoned in the county jail not less than thirty days nor more than sixty days.—*As amended April 21, 1905; Laws of 1905, ch. 99, p. 167.*

Sec. 5. *Date of effect.* This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1903. Laws, 1903, ch. 43, p. 64.

Sec. 1. *Sanitation of cow stables; addition of viscogen to milk.* Milk which shall be drawn from cows that are kept in barns or stables which are not well lighted and ventilated, or that are filthy from an accumulation of animal refuse or from any other cause, or from cows which are themselves in a filthy condition, and milk in or from cans or other utensils that are not kept in a clean and sanitary condition, or milk to

which has been added any unclean or unsanitary foreign substance, is hereby declared to be unclean and *unsanitary milk;* provided, that nothing in this act shall be construed to prohibit the sale of pasteurized milk or cream to which viscogen or sucrate of lime has been added solely for the purpose of restoring the viscosity, if the same be distinctively labeled in such manner as to advise the purchaser of its true character.

SEC. 2. *Sale of unclean milk prohibited.* No person, firm or corporation, shall knowingly offer or expose for sale, or sell, or deliver for sale or consumption, or to any creamery or cheese factory or milk condensing factory, or have in his possession with intent to sell any unclean or unsanitary milk.

SEC. 3. *Use of unclean milk in factories prohibited.* No person, firm or corporation, shall knowingly manufacture for sale any article of food from unclean or unsanitary milk or from cream from the same.

SEC. 4. *Sanitary utensils in cheese factories, etc.* All premises and utensils employed for the manufacture or sale or offering for sale of food products from milk or cream from the same which shall not be kept in clean and good sanitary condition are hereby declared to be unclean and unsanitary. Any milk dealer or any person, firm or corporation furnishing milk or cream to such dealer, or the employee of such milk dealer, and any person, firm or corporation or the employee of such person, firm or corporation, who operates a creamery, cheese factory or milk condensing factory, or manufactures, re-works or packs butter for sale as a food product, shall maintain his premises and utensils in a clean and sanitary condition.

SEC. 5. *Cleansing of milk cans.* Any person, firm or corporation, who receives any milk or cream in cans, bottles or vessels, which has been transported over any railroad, or boat line, where such cans, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles and vessels to be immediately washed and thoroughly cleansed and aired.

SEC. 6. *Penalty.* Whoever violates any provision of this act shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense, or shall be imprisoned in the county jail not less than thirty days nor more than sixty days.—*As amended May 3, 1905; Laws of 1905, ch. 154, p. 229.*

SEC. 7. *Date of effect.* This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1903. Laws 1903, ch. 67, p. 105.

FLAVORING EXTRACTS.

SEC. 1. *Standards for lemon and vanilla extracts; penalty.* Any person who shall manufacture for sale, sell, or offer or expose for sale or have in his possession with intent to sell as and for lemon extract, or extract of lemon, or essence of lemon, or lemon essence, or spirits of lemon, or under any designation which includes any of the aforesaid names any preparation other than a solution containing not less than five percentum, by volume, of pure lemon oil in ethyl alcohol; or any person who shall manufacture for sale, sell, or offer or expose for sale or have in his possession with intent to sell as and for vanilla extract, or extract of vanilla, or tincture of vanilla, or vanilla tincture, or under any designation which includes any of the aforesaid names any preparation which shall contain any flavoring or coloring ingredient other than those derived from pure vanilla bean, shall forfeit to the state of Wisconsin the sum of not less than twenty-five dollars nor more than one hundred dollars. Providing nothing in this act shall prohibit the manufacture of the above specified articles for sale and shipment without the state.

SEC. 2. *Effect.* This act shall take effect and be in force from and after January 1, 1906.

Approved May 22, 1905. Laws of 1905, ch. 228, pp. 328–329.

FLOUR (BUCKWHEAT).

SEC. 1. *Buckwheat compounds must be so labeled.* No person shall manufacture for sale within this state, or offer or expose for sale, have in possession with intent to sell, or sell or exchange any ground buckwheat containing any product of wheat, corn, rice or other foreign substance, unless each and every package thereof shall be distinctly branded or labeled in letters not less than one-half inch in length with the name of the maker and factory, and the location of such factory, and the words "Buckwheat Flour Compound," together with the words, "This buckwheat flour compound contains the following ingredients and none other," and immediately after the latter words shall appear in the same size letters the true names of each and every ingredient of such mixture or compound. Provided, that this act shall not be construed as prohibiting the manufacture and sale of Self-Rising Buckwheat Flour when labeled or branded as such and when the same consists only of pure buckwheat flour, salt, sodium bicarbonate and calcium acid phosphate, cream of tartar or tartaric acid.

SEC. 2. *Style of label.* Any brand or label herein required shall be an inseparable part of the general or distinguishing label, and such label shall be that principal and conspicuous sign under which it is sold, and any other label or printed matter upon the package shall not be in contravention of the requirements of this act.

SEC. 3. *Possession evidence of intent to sell.* The having in possession of any buckwheat flour compound, which is not branded or labeled as hereinbefore required and directed upon the part of any person engaged in the public or private sale of such article, shall, for the purpose of this act, be deemed prima facie evidence of intent to sell the same.

SEC. 4. *Sale defined.* The taking of orders or the making of agreements or contract by any person, firm or corporation or by any agent or representative thereof, for the future delivery of buckwheat flour compound shall be deemed a sale within the meaning of this act.

SEC. 5. *Penalty.* Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 6. *Effect.* This act shall take effect and be in force from and after July 1, 1905.

Approved May 12, 1905. Laws of 1905, ch. 187, pp. 272–273.

HONEY.

SEC. 1. *Imitations prohibited.* No person shall, himself, or by his agent or servant, sell, offer or expose for sale or have in his possession with intent to sell as and for honey any substance whatsoever that is not the legitimate and exclusive product of the honey bee, to-wit, the nectar of flowers, honey dew and natural saccharine exudations of plants gathered and stored in the comb by bees.

SEC. 2. *Penalty.* Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than thirty days nor more than sixty days.

SEC. 3. *Repeal.* Section 4607f of the statutes of 1898 is hereby repealed.

SEC. 4. *Effect.* This act shall take effect and be in force on and after October 1st, 1905.

Approved May 22, 1905. Laws of 1905, ch. 229, p. 329.

ICE.

4607k. (30.) No person or corporation shall sell or offer for sale or cause the same to be done within this state for domestic, culinary or drinking purposes, any ice which contains mud, decayed vegetation, animal or foreign matter or malarial substance. Every person or corporation offering ice for sale shall have posted on his or its wagons, in a conspicuous manner, the name of the place from which the ice so offered for sale was cut, harvested or manufactured, and all persons or corporations dealing in or handling impure ice, to be used for cooling purposes only, shall have their wagons so labeled. Any person who or corporation which violates any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than fifty dollars or more than one hundred dollars.

Statutes, 1898, vol. 2, ch. 187, p. 2792.

MEAT.

4607g. (28.) *Diseased and unwholesome meat.* Any person who shall sell or expose for sale, or give away for use as a food, or can or pack for the purpose of transportation to and sale in any market or place any unwholesome, stale, emaciated, blown, tainted, putrid or measly meat, or the flesh of any diseased animal or of any animal not slaughtered for the purpose of food, knowing or having good reason to believe that such meat is as above described, or that such flesh is the flesh of a diseased animal or of an animal not slaughtered for such purpose, and any person or corporation owning or operating any slaughter-house or packing establishment in this state who shall receive for the purpose of killing, or kill, any diseased animal, or render the carcass of any animal that shall die by disease or in consequence of exposure, or that shall not have been slaughtered for food, knowing or having good reason to believe that such animal was diseased, or had died from disease or in consequence of exposure, or had not been slaughtered for food, such person shall be punished by imprisonment in the county jail not exceeding six months nor less than ten days, or by fine of not more than one hundred dollars nor less than ten dollars, or both, and such corporation shall be fined not more than five hundred dollars nor less than ten dollars.

Statutes 1898, vol. 2, ch. 187, p. 2791.

Sec. 1. *Penalty for use of antiseptics.* Any person who by himself or his agent shall offer or expose for sale, take orders for, or sell, or have in his possession with intent to sell for use or consumption within the state any sausage or chopped meat compound containing any artificial coloring, or chemical preservative or antiseptic, except common salt, saltpetre, spices or wood smoke shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars.—*As amended May 25, 1905; Laws of 1905, ch. 261, p. 380.*

Sec. 2. *Effect.* This act shall take effect and be in force, from and after the date of its passage and publication.

Approved April 27, 1901. Laws of 1901, ch. 243, p. 328.

PRESERVATIVES.

Sec. 1. *Certain preservatives prohibited, others must be made known to purchaser.* No person, firm or corporation shall, by himself, or by his agents or servants, manufacture, sell, ship, consign, offer for sale, expose for sale or have in his possession with intent to sell for use or consumption within the state, any article of food within the

meaning of section 4600 of the statutes of 1898 [a] and laws amendatory thereof, which contains formaldehyde, sulphurous acid or sulphites, boric acid or borates, salicylic acid or salicylates, saccharin, dulcin, glucin, beta naphthol, abrastol, asaprol, fluorides, fluorborates, fluosilicates or other fluorine compounds, or any other preservatives injurious to health; provided, however, that nothing contained in this section shall prohibit the use of common salt, saltpetre, wood smoke, sugar, vinegar and condimental preservatives, such as turmeric, mustard, pepper and other spices. Nor shall any person, firm or corporation, by himself, or by his agents or servants, manufacture, sell, ship, consign, offer for sale, expose for sale or have in his possession with intent to sell for use or consumption within the state, any article of food within the meaning of section 4600 of the statutes of 1898 and laws amendatory thereof, containing any added substance, article or ingredient possessing a preservative character or action other than the articles named in the proviso of this act, unless the presence, name and proportionate amount of said added substance, article or ingredient shall be plainly disclosed to the purchaser.

Sec. 2. *Penalty.* Every person, firm, or corporation and every officer, agent, servant or employee of such person, firm or corporation who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than sixty days.

Sec. 3. *Effect.* This act shall take effect and be in force from and after the first day of January, 1906, after its passage and publication.

Approved March 27, 1905. Laws of 1905, ch. 33, pp. 84–85.

SYRUPS.

Sec. 1. *Adulterated maple products; penalty.* Any person who shall manufacture for sale, sell, or offer or expose for sale or have in his possession with intent to sell, as and for maple sugar or maple syrup, any article other than the unadulterated product produced by the evaporation of pure sap from the maple tree, shall forfeit to the state of Wisconsin, the sum of not less than twenty-five dollars nor more than one hundred dollars.

Sec. 2. *Effect.* This act shall take effect and be in force on and after October 1, 1905.

Approved May 3, 1905. Laws of 1905, ch. 151, p. 223.

Sec. 1. *Syrups must be true to name; labels.* No person shall sell, offer or expose for sale or have in his possession with intent to sell any syrup, sugar-cane syrup, sorghum syrup, molasses or glucose, unless the same be true to the name under which it is sold, and as defined in the standards of purity for food products as adopted by the United States Department of Agriculture, and unless the barrel, cask, keg, can, pail or pacakge [b] containing the same be distinctly branded or labeled with the true name of its contents as defined in the above named standards; and no person shall sell, offer or expose for sale or have in his possession with intent to sell any syrup, sugar-cane syrup, sorghum syrup, or molasses mixed with glucose unless the mixture be sold as and for compound glucose mixture or corn syrup, and unless the barrel, cask, keg, can, pail or package containing the same be distinctly branded or labeled "Glucose Mixture" or "Corn Syrup," in plain Gothic type not less than three-eighths [b] of an inch square, with the name and percentum by weight of each ingredient contained therein plainly stamped, branded or stenciled on each package in plain Gothic letters not less than one-quarter of an inch square. Each and every

[a] See p. 672.

[b] So in Statutes.

package of syrup, either simple or mixed, shall bear the name and address of the manufacturer. Such mixtures or syrups shall have no other designation or brand than herein required that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and the general or distinguishing label shall be the principal and conspicuous sign under which it is sold; nor shall any of the aforesaid glucose, syrups, molasses or mixtures contain any substance injurious to health, nor any other article or substance otherwise prohibited by law in articles of food.

SEC. 2. *Penalty.* Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violate any of the provisions, shall forfeit to the state of Wisconsin, the sum of not less than twenty-five dollars nor more than one hundred dollars.

SEC. 3. *Effect.* This act shall take effect and be in force on and after October 1st, 1905.

Approved May 3, 1905. Laws of 1905, ch. 152, pp. 223–224.

VINEGAR.

4607i. (29.) *Standards; brands; penalty.* No person shall sell, manufacture for sale, offer or expose for sale or have in his possession with intent to sell as apple, orchard, or cider vinegar, any vinegar which has not been made exclusively by the fermentation of pure apple juice, known as apple cider; or vinegar which contains any foreign substance whatsoever; or vinegar which shall contain less than 4 per centum by weight of absolute acetic acid; or vinegar which shall be found to contain less than one and three-fourths per centum by weight of pure cider vinegar solids upon full evaporation at two hundred and twelve degrees Fahrenheit; and no person shall sell, offer or expose for sale or have in his possession with intent to sell any cider vinegar unless each barrel, cask or keg containing the same be plainly stenciled or branded on one head of said barrel, cask or keg, in black letters and figures at least one inch in height, with the words "Cider Vinegar," together with the name and place of business of the manufacturer thereof, and the strength of the vinegar contained in said barrel, cask or keg, which strength shall be denoted by the per centum by weight of absolute acetic acid contained in said vinegar. And no person shall manufacture for sale, offer or expose for sale, or have in his possession with intent to sell, or sell, any vinegar which shall be adulterated within the meaning of sections 4600 and 4601 of the statutes of 1898,[a] and laws amendatory thereof; or any vinegar which shall contain less than four and one-half per centum by weight of absolute acetic acid; or vinegar which shall contain any artificial coloring matter, or any preparation of lead, copper, sulphuric or other mineral acids, or any acid made from the distillation of wood or any ingredient injurious to health. And no person shall sell, offer or expose for sale or have in his possession with intent to sell any vinegar (except cider vinegar) made by fermentation without the intervention of distillation unless each barrel, cask or keg containing the same be plainly stenciled or branded on one head of said barrel, cask or keg, in black letters and figures at least one inch in height, with the name and place of business of the manufacturer of said vinegar and the strength of the vinegar contained in said barrel, cask or keg, which strength shall be denoted by the per centum by weight of absolute acetic acid contained in said vinegar, together with the words "Fermented Vinegar" and the true name of the fruit or substance from which said vinegar is made. And no person shall sell, offer or expose for sale or have in his possession with intent to sell any vinegar made wholly or in part from distilled liquor unless each barrel, cask or keg

[a] See p. 672.

containing the same be plainly stenciled or branded on one head of said barrel, cask or keg, in black letters and figures at least one inch in height, with the words "Distilled Vinegar," together with the name and place of business of the manufacturer thereof and the strength of the vinegar contained in said barrel, cask or keg, which strength shall be denoted by the per centum by weight of absolute acetic acid contained in said vinegar.

Any person who shall be found guilty of violating any of the provisions of this section shall forfeit to the state of Wisconsin the sum of not less than twenty-five dollars nor more than one hundred dollars for each such violation. Provided that this act shall not be construed as prohibiting the sale of any vinegar by the manufacturer for shipment and use outside the state. Provided, however, that nothing herein contained shall be held to prohibit the coloring of vinegar by the use of burnt sugar, or the sale or offering for sale of the same until on and after July 1st, 1906.

As amended June 3, 1905; Laws of 1905, ch. 297, p. 454; Statutes 1898, ch. 187, p. 2791.

RULINGS MADE BY THE COMMISSIONER.

Artificial coloring. Artificial coloring though it be harmless must not be used to conceal damage or inferiority or to make food products appear better or of greater value than they really are.

Baking powder. Baking powders containing alum in any form or shape must have its presence distinctly shown by a label on the outside and face of which is printed: "THIS BAKING POWDER CONTAINS ALUM." The label must be printed in black ink, in legible type, not smaller than brevier heavy gothic caps, and must give the name and address of the manufacturer in type of the same kind.

Buckwheat flour. See special law on buckwheat flour, page 686.

Candy. Candy must be free from inert mineral matters and must not be colored with substances deleterious to health.

Catsup. Catsup must be labeled so as to show its true character and composition, as, "Tomato Catsup," "Mushroom Catsup," "Walnut Catsup," etc., and must not contain preservatives or coloring matter deleterious to health. If harmless preservatives are used, that fact, and the name of the specific substance must be disclosed on the label. The use of artificial coloring will be contested.

Cheese. The dairy and food commissioner is authorized to issue to the owner or manager of each factory making FULL CREAM CHEESE a stencil containing the number of the factory and the state brand, "WISCONSIN FULL CREAM CHEESE."

The manufacture and sale of filled cheese is prohibited.

The manufacture and sale of skimmed cheese is prohibited, except when such cheese is made ten inches in diameter and nine inches in height.

Chocolate and cocoa. Chocolate and cocoa when made only from cocoa mass, sugar and glycerine may be sold under the name "Prepared Cocoa" or "Sweet Chocolate."

Coffee. Coffee sold as such must be true to name. It must not be coated or polished to conceal inferiority. Substitutes containing no coffee cannot be sold as coffee compounds, but may be sold under their true or coined names. Compounds of coffee and chicory, or of coffee and any harmless substitute allied to it in either flavor or strength and not used simply as an adulterant, may be sold when labeled "Coffee and Chicory Compound" or "Coffee and ——— Compound," etc.

Canned goods. Canned goods must be distinctly labeled with grade or quality of the goods, together with the name and address of the seller or manufacturer. See special law, page 675.

Cream of tartar. Cream of tartar must be pure and true to name. All compounds are unlawful.

Extracts. (See Special Law, page 685.) Artificial extracts can be manufactured and sold only in cases where it is not possible to produce an extract from the fruit itself. Extracts of this case must be distinctly labeled as "Artificial Extracts."

Extract of lemon, essence of lemon or spirits of lemon, sold as such, must contain at least five per cent. of pure oil of lemon dissolved in ethyl alcohol.

Such mixtures or compounds as "Water Soluble Lemon Flavor" or "Terpeneless Lemon Flavor," made from lemon peel or from oil of lemon, or from both, must not be sold as "Extract of Lemon" or "Essence of Lemon" or "Spirits of Lemon;" but if of equivalent strength and labeled, branded or tagged in a manner showing their exact character and composition and approved by the dairy and food commissioner of the state, and not containing any poisonous or deleterious ingredients will be recognized as legitimate substitutes and when sold as articles of food under their own distinct names as stated above and not under the name of any other article of food, such sale will not be contested by this commission as unlawful.

Extract of vanilla must be made wholly from vanilla beans, and must contain no artificial coloring. The color of vanilla extract is considered an indication of its strength and artificial coloring in such case would be used for the purpose of concealing inferiority and of making the article appear better than it really is.

When other flavoring substances are used, such as vanillin, coumarin or tonka, the extract must be labeled so as to show the purchaser its true character, as, "Compound Extract of Tonka and Vanillin." The label "Compound Extract of Vanilla" will not be deemed sufficient notice of the character and composition of the article. In all cases, it is to be understood that when an extract is labeled with more than one name, the type used is to be similar in size, and the name of any one of the articles used is not to be given greater prominence than another.

Farinaceous goods. Farinaceous goods. must be true to name. Barley, hominy, cracked or rolled wheat or oats, tapioca and like articles, must be pure and unadulterated. If mixed or compounded their true or coined name. Packages containing mixtures or compounds of this kind should be labeled with the name and address of the manufacturer or compounder thereof.

Honey. See special law on page 686.

Jellies. Artificial fruit jellies, jams, preserves, fruit butter, so-called "Pie Filling," or other similar mixtures or compounds, made or composed, in whole or in part, of glucose, dextrin, starch or other substances must not be colored in imitation of natural fruit products; but if uncolored, may be sold for what they are when labeled in a manner showing their exact character and composition and approved by the dairy and food commissioner of the state and when they are free from ingredients deleterious to health. Such artificial mixtures or compounds must be labeled with, (first), the word "Compound," (second), the word "Glucose" and (third), the name of the fruit or dextrin, or starch, or other substance, entering into the artificial product. To illustrate: In the case of artificial jelly consisting of glucose with an apple base, the label should be "Compound Glucose Apple Jelly." If the fruit is currant, the label should be "Compound Glucose Currant Jelly." If the base is starch, the label should be "Compound Glucose Starch Jelly." In case of other mixtures or compounds, as mentioned above, the label should be "Compound Glucose Starch Pie Filling," "Compound Glucose Apple Jam," etc., according to their true character and composition.

Substitute mixtures or compounds cannot lawfully be sold in imitation of or under the name of any other article of food.

Lard. Substitutes for lard must not be sold under the name of lards. Compounds containing lard can be sold when labeled in a manner showing their true character and composition and approved by the dairy and food commissioner of the state, such as, "Compound Lard and ———."

Maple sugar. See special law on maple sugar and maple syrup.

Meat, chopped and sausages. See special law on chopped meats and sausages, page 687.

Milk. All milk offered for sale or sold or delivered to creameries or cheese factories must be from clean, healthy cows, of clean, pure and wholesome character, free from preservatives or any foreign substance, and must contain not less than three per cent. butter fat.

Producers and dealers in milk and cream are especially warned against the use of preservatives.

The preparations for keeping milk and cream sweet that are widely advertised in this state as being harmless, have been condemned by leading authorities, both in this country and in Europe, as being prejudicial to the public health.

Their use is prohibited by a plain statute which fixes a minimum penalty of $25 for its violation.

Preservatives are used to avoid the effects of careless and unclean methods.

Milk and cream will remain sweet without the use of poisonous drugs long enough for sale and consumption if produced from clean cows, in clean barns, by clean men, using clean utensils.

The health of invalids and of children is of more importance to the state than the prosperity of manufacturers and dealers in the makeshifts of uncleanliness.

Mustard. Dry mustard must be pure.

Prepared mustard must be free from starch or adulterant of any kind, and, if consisting of mustard, vinegar, and spices, may be sold when labeled "Prepared Mustard."

A preparation of mustard, vinegar, spices and enough filling or starch to make a mustard of mild flavor to meet a legitimate demand which undoubtedly exists, may be sold when labeled "Prepared Mustard Compound." Harmless coloring matter may be used in preparations of mustard only to secure uniformity of appearance.

Oleomargarine. Oleomargarine which shall be in imitation of yellow butter can not be lawfully sold. Oleomargarine free from coloration or ingredient that causes it to look like butter can be manufactured and sold under its own name when properly labeled. Each tub, package and parcel must be marked by a placard bearing the word "Oleomargarine" printed in plain, uncondensed gothic letters not less than one inch long, and such placard shall contain no other words thereon.

All stores and places of business from which oleomargarine shall be sold must have conspicuously posted a placard to be approved by the dairy and food commissioner, containing the words, printed in letters not less than four inches in length, "Oleomargarine Sold Here."

It is unlawful for hotel, restaurant or boarding-house keepers to furnish their guests with butter substitutes without notifying such guests that the substitutes so furnished are not butter.

A bill of fare furnished guests and containing a statement that oleomargarine is used will be deemed a sufficient notice.

No imitation butter or cheese can be used in any of the charitable or penal institutions of this state.

Renovated butter. See special law on renovated butter, page 681.

Spices. All spices must be pure. Any mixture of any foreign article with any spice is an adulteration. An adulteration of spices cannot be remedied by the label "Compound."

Sirup. See special law on sirup, page 688.

Vinegar. See special law on vinegar, page 689.

Antiseptics, chemical preservatives. See special law, page 687.

Labels. Labels on mixtures and compounds should disclose their true character and composition. See proviso to general law on adulteration.

WYOMING.

On April 1, 1905, the legislature created the office of State dairy, food, and oil commissioner, who is charged with the administration of all food laws. Previous to this time the laws had been under the administration of the State chemist. In response to a letter of inquiry, Mr. E. W. Burke, the commissioner, replied that the work that has been done under the laws has been mainly educational. He suggests that a clause is desirable prohibiting interference with the food commissioner, and that special regulations should be enacted relating to colors, preservatives, and baking powders.

GENERAL FOOD LAWS.[a]

5108. *Diseased meat, adulterated liquor, etc.* If any person or persons shall knowingly sell any flesh of any diseased animal, or other unwholesome provisions, or any pernicious or adulterated drink or liquors, every person so offending shall be fined not more than two hundred dollars.

5109. *Fraudulent adulteration of foods or medicines.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article used in compounding them, with a fraudulent intent to offer the same for sale, or to cause or permit the same to be offered for sale, as unadulterated and undiluted; and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted shall be punished by a fine of not more than five hundred dollars, or imprisonment in the county jail not more than sixty days, or by both.

5110. *Spoiled food or medicine.* Every person who knowingly sells or keeps, or offers for sale, or otherwise disposes of, or tries to dispose of, any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk shall be fined not more than fifty dollars, or imprisoned in the county jail not more than thirty days, or both.

Revised Statutes, 1899, p. 1264.

SEC. 1. *State chemist; duties; salary; expense.* The office of State Chemist is hereby created for the State of Wyoming, and shall receive a salary of two hundred dollars per year. Such Chemist shall be the regular professor of chemistry in the University of Wyoming. He shall enter upon his duties on the 30th day of September, 1903. It shall be his duty to make or cause to be made a chemical analysis of such foods, drinks, drugs, illuminating oils or other material relative to the enforcement of this act, as shall be submitted to him or shall be deemed advisable for such analysis, and make a full and complete written report of the same, and when so requested it shall be his duty to testify in court. He shall receive his necessary traveling expenses to be paid by the State of Wyoming when employed in performing the provisions of this act, which shall not include the chemicals and apparatus necessary for the proper fulfillment of his duties.

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[a] See also Meat, p. 703.

Sec. 2. *Assistant professor of chemistry; salary; duties.* The Board of Trustees of the University of Wyoming are hereby authorized and empowered to employ an assistant to the regular professor of chemistry who shall receive a salary of ten hundred dollars per year for his services, to be paid by the State of Wyoming out of any moneys not otherwise appropriated, the same to be paid by the State Auditor in the manner provided for the payment of other accounts against the State. The Assistant Chemist shall keep his office at the University of Wyoming, and the Board of Trustees of said University shall furnish the necessary room for the carrying out of the provisions of this act. The Assistant Chemist shall perform such duties as he may be required to perform by the State Chemist.

Sec. 3. *Contingent expenses limited to appropriation.* The necessary traveling expenses and expenses for the purchase of apparatus, chemicals, etc., shall be paid from any appropriation made by the Legislature as a contingent fund for the State Chemist, provided that the expense shall be limited to the appropriation made.

Sec. 4. *Annual report.* The State Chemist shall keep a seal with which to attest official acts and documents. He shall make an annual report to the Governor on or before the first day of October of each year, which shall contain itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value to the administration or public at large, and said report may be published annually as public documents of the State of Wyoming, as may be provided by law.

Sec. 5. *State chemist's bond.* Before entering upon the discharge of his official duties, the State Chemist shall give bond in the sum of one thousand dollars ($1,000), to the State of Wyoming, which shall be furnished by some responsible surety company, which shall be accepted by the Governor, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity, and for the faithful performance of the duties of his office as the same are prescribed by law; which bond, with his oath of office indorsed thereon, shall be filed with the Secretary of State.

Sec. 6. *Sale of adulterated drugs or articles of food prohibited.* No person or persons shall within the State of Wyoming manufacture for sale, offer for sale, or sell any drug or article of food, drink or illuminating oil which is adulterated within the meaning of this act.

Sec. 7. *Terms "drug," "food," and "drinks" defined.* The term "drug" as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food" as used in this act, shall include all articles used for food, whether simple, mixed or compound, the term "drinks" shall include all drinks whether distilled, brewed, simple, mixed or compound, including mineral waters which shall be used as food, medicines or beverages by any person, or persons, while in the State of Wyoming, whether a citizen or not.

Sec. 8. *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of this act—

(a) In the case of drugs: (1) If, when sold under or by the name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down therein; (2) If, when sold under or by the name not recognized in the United States Pharmacopoeia, but which may be found in some other pharmacopoeia, or other standard work on Materia Medica, it differs materially from the standard of strength, quality or purity laid down in such work; (3) If its strength, quality or purity falls below the professed standard under which it is sold.

(b) In case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) If any valuable or necessary constituent or ingredient has been

wholly or in part abstracted from it; (4) If it is an imitation of, or is sold under the name of another article; (5) If it consists wholly or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk if it is the produce of a diseased animal; (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, with the name and per cent. of each ingredient therein, and are not injurious to health and illuminating oils shall be of not less than 120% [degrees] open air flash test. That no gasoline shall be sold in the State of Wyoming of less than seventy-four proof. Same shall be plainly marked on the can, barrel or other package containing gasoline. [See Chapter 109.]

Sec. 9. *Dealers must furnish samples for analysis.* Every person manufacturing, offering or exposing for sale, whether a manufacturer or not, or delivering to a purchaser any drug or article of food or drink included in the provisions of this act shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food or drink which is in his possession.

Sec. 10. *Penalties.* Whoever refuses to comply upon demand, with the requirements of this act, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding three hundred dollars ($300) nor less than fifty dollars ($50), or imprisoned not exceeding one hundred nor less than thirty days, or both, at hard labor. Any person found guilty of manufacturing, offering for sale or selling an adulterated article of food, drugs or drinks under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person shall be found guilty of manufacturing, selling or offering for sale.

Laws 1903, ch. 82, art. 1, p. 102.

Sec. 3. *Shortage in weight or measurement; penalty.* It shall be unlawful within the State of Wyoming to sell direct, or permit any person, whether agent, employe or servant, to sell any property of whatsoever character that shall be short in weight or measure, and any person owning or having charge of any scales or steelyards for the purpose of weighing any property, or who knowingly reports any false or untrue weight, whereby any person may be defrauded or injured, or who shall sell any article of food, beverage or medicine that shall be short in measure by the prescribed and legal measurements of this State and shall represent the same to contain a certain quantity which it does not contain and thus defrauding the purchaser, shall be fined not more than fifty dollars nor imprisoned more than thirty days, or both, at the discretion of the court.

Sec. 5. *Counterfeit brands or trade marks; penalty.* Whoever vends or keeps for sale any goods, merchandise, mixture, or preparation upon which any forged or counterfeit stamp, brand, imprint, wrapper, label or trade mark is placed or fixed and intended to represent the said goods, merchandise, mixture or preparation as the true and genuine goods, merchandise, mixture or preparation of any other person, knowing the same to be counterfeit, and whoever wilfully forges or counterfeits any representation, likeness, similitude, copy or imitation of the private brand, wrapper, label or trade mark usually affixed by any person to or upon the goods, wares, merchandise, preparation or mixture of such person, or by any maker of

wine from grapes, to the bottle or cask used by him to contain the same, with the intent to pass off any work, goods, manufacture, wine, compound, preparation or mixture to which such forged or counterfeit representation, likeness, similitude, copy or imitation is affixed, or intended to be affixed as the work, goods, manufacture, wine, compound, preparation or mixture of such person, shall be fined not more than two hundred dollars nor less than fifty dollars, or imprisoned not more than six months nor less than two months, or both, at the discretion of the court.

Sec. 6. *Packages must be marked with weights; refilling branded cases; penalty.* Whoever puts up or packs any goods or articles sold by weight into any case or package and fails or omits to mark thereon the gross, tare, and net weights thereof, in pounds and fraction of pounds or with intent to defraud, in any way transfers any brand, mark or stamp, put upon any case or package by any manufacturer, to any other case or package; or, with the like intent repack any case or package marked with the brand, mark or stamp of any manufacturer, with goods or articles inferior to the goods or articles of that manufacturer, shall be fined not more than five hundred dollars, or imprisoned not more than six months.

Laws 1903, ch. 82, art. 8, p. 112.

Sec. 1. *Persons selling deemed agents of manufacturer.* For the purpose of this act, and for the purpose of getting service on foreign companies, corporations or firms, any agent or any person who shall sell, keep for sale, offer for sale or handle goods made, sold or handled by said firm, company or corporation shall be deemed the agent thereof, upon whom the process of any court of this State of competent jurisdiction may be served for the purpose of carrying into effect the provisions of this act, and service upon such agent shall be binding upon his principal.

Sec. 2. *Adulterated goods to be destroyed.* Any drugs, liquors, wines, malt liquors or food of any character or illuminating oil that may be found adulterated or impure to such an extent as to make it injurious to the public health and dangerous to life and thus unfit by the provisions of this act to be sold, shall be confiscated and destroyed at the discretion of the court.

Sec. 3. *State chemist—oath and bond.* It shall be unlawful for the State Chemist to enter upon his duties before having taken the oath of allegiance to the United States of America, the State of Wyoming, and having filed a satisfactory bond furnished by some competent and responsible surety company in the sum of one thousand dollars for the faithful and honest performance of his duties, which bond shall be accepted by the Secretary of State, and placed on file in his office. Trial for the enforcement of the provisions of this act shall be brought before any District Court in the State of Wyoming, and there shall be nothing that shall be construed to prohibit an appeal from the decision of said court.

Sec. 4. *City health officer—duty.* It shall be the duty of the ex-officio city health officer provided for by the State Board of Health and the State Board of Medical Examiners to collect samples and forward the same to the State Chemist for analysis and to otherwise carry out the provisions of this act.

Sec. 5. *Repeal.* All acts or parts of acts that shall be in conflict with this act or any part of it shall and are hereby repealed.

Sec. 6. *Date of effect.* This act shall take effect and be in force from and after the 30th day of September, 1903.

Laws of 1903, art. 9, ch. 82, p. 113.

Sec. 1. *Appointment of commissioner; salary.* The office of Food and Oil Commissioner for the State of Wyoming is hereby created. Such Commissioner shall be appointed by the Governor, by and with the consent of the Senate, and his term of office shall be for two years, from the first day of April, 1905, and vacancies occur-

ring in the office for any cause shall be filled by appointment for the balance of the unexpired term. The salary of the Commissioner shall be $1,200 per annum, together with his actual and necessary expenses incurred in the discharge of his official duty, which shall be paid in the same manner as other State officers.

SEC. 2. *Duties—inspection, sampling, etc.* It shall be the duty of the said Commissioner to enforce all laws against frauds and adulteration or impurities in foods, drinks, drugs, or illuminating oils, and unlawful labeling of same; and in the performance of such duties said Commissioner and his assistants shall have power to enter into any creamery, factory, store, salesroom, drug store, laboratory or place of business, or other place where they have reason to believe food or drink is made, prepared, sold or offered for sale, and to examine the books, and to examine any cask or package containing, or supposed to contain any article of food, drink or oil, and examine or cause to be examined and analyzed the contents thereof by the State Chemist, or some other competent person under his direction, and he shall at the same time, and in the presence of the person from whom such property is taken, securely seal up two samples of the article seized or taken, one of which shall be for examination or analysis, under the direction of the Commissioner, and the other of which shall be delivered to the person from whom the articles are taken.

SEC. 3. *County attorneys to prosecute.* It shall be the duty of the County Attorney in any County of the State, when called upon by the Commissioner, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this Act; and all fines and assessments collected in any prosecution begun or caused to be begun under the provisions of this Act shall be paid into the State Treasury.

SEC. 4. *Office of commissioner.* The necessary room or rooms shall be provided for said Dairy, Food and Oil Commissioner in the State Capitol building, which said rooms shall be set apart for his use.

SEC. 5. *Seal.* The State Dairy, Food and Oil Commissioner shall keep a seal with which to attest official acts and documents.

SEC. 6. *Annual report.* The State Dairy, Food and Oil Commissioner shall make an annual report to the Governor on or before the 1st day of October of each year, which shall contain itemized statements of all receipts and disbursements, and all persons employed by him, together with such statistics and other matters as he may regard of value to the administration or to the public at large, and said report may be published annually as public documents of the State of Wyoming, as provided by law.

SEC. 7. *Bond for commissioner.* Before entering upon the discharge of his official duties, the State Dairy, Food and Oil Commissioner shall give bond in the sum of two thousand dollars to the State of Wyoming, which shall be approved by the Governor, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity, and for the faithful performance of the duties of his office as the same are prescribed by law; which bond, with his oath of office endorsed thereon, shall be filed with the Secretary of State.

SEC. 8. *Repeal.* All acts or parts of acts in conflict with this act, or any part of it, shall be and are hereby repealed.

SEC. 9. *Effect.* This act shall take effect and be in force from and after its passage.

Approved February 18, 1905. Session Laws of 1905, ch. 49, pp. 89–90.

ALCOHOLIC BEVERAGES.[a]

SEC. 1. *Adulteration of spirituous liquors; penalty.* Whoever adulterates, for the purpose of sale within the State of Wyoming any spirituous, alcoholic, vinous or malt liquors used or intended for drink or medicinal or mechanical purposes, with Cocculus-

[a] See also General Food Laws, p. 693.

indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous [a] adulterated or injurious to the health, or with any substance not a necessary ingredient in the manufacture thereof; and whoever sells or offers or keeps for sale any such liquors so adulterated, and whoever uses any active poison in the manufacture or preparation of any intoxicating liquor or sells in any quantity any intoxicating liquor so manufactured or prepared, and whoever engages in the manufacture and sale of intoxicating liquors and fails to brand on each package containing the same the name of the person or company manufacturing, rectifying, or preparing the same, whether a resident of the State of Wyoming or not, and also the words "containing no poisonous drugs, or other added poison," and any person guilty of violating any of the provisions of this act shall be adjudged to pay in addition to the penalties provided for by this act all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors, whether alcoholic, vinous or malt, intended for drink of which said party may have been guilty of adulterating or selling or keeping for sale or offering for sale, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, or be imprisoned not less than twenty days nor more than sixty days, or both, at the discretion of the court, excepting manufacturers who manufacture and place on sale liquors containing poisons or that are not labelled as provided for in this act, shall be fined not more than one thousand dollars and imprisonment not more than six months nor less than one month.

SEC. 2. *Adulteration of wines; penalty.* It shall be unlawful to adulterate any wine made, or juice expressed, from grapes whether grown within or out of the State of Wyoming, by mixing therewith any drug, chemicals, cider, whiskey, or other liquor, and whoever sells or offers to sell any such adulterated wine or grape juice knowing the same to be adulterated, and for the purpose of this act, adulterated wine shall consist in wine to which shall be added any glucose, or uncrystalized [a] grape or starch sugar, or cider, or pomace of grapes out of which the juice has been expressed or extracted known as grape cheese, or any other substance not natural to the pure expressed juice of the grape, excepting that such shall be plainly labeled and placed on the bottle, barrel, cask or container of any kind showing the quantity and quality of such adulteration. Provided, That said adulteration shall not in any way be poisonous or injurious to the public health, and whoever violates this act, whether intentionally or otherwise, shall be fined in any sum not more than three hundred dollars nor less than fifty dollars and imprisoned for not less than sixty days nor more than ninety days and pay the cost of the prosecution.

Laws 1903, ch. 82, art. 7, p. 111.

CANDY.

2668. *Addition of injurious ingredients.* No person shall by himself, his servant or agent, or as the servant or agent of any person or corporation, manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, by poisonous color or flavor or other ingredients deleterious or detrimental to health.

2669. *Penalty.* Whoever violates any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under direction of the court in which conviction is had.

2670. *Prosecution.* It is hereby made the duty of the county and prosecuting attorneys of this state to appear for the state and to attend to the prosecution of all complaints under this chapter in all the courts in their respective counties.

Revised Statutes, 1899, p. 722.

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[a] So in Statutes.

SEC. 1. *Adulteration prohibited; penalty.* It shall be unlawful for any person or persons, company or companies to manufacture for sale, or sell or offer to sell within the State of Wyoming any substance known as candy which shall be adulterated by the admixture of terra alba, barytes, talc, or other mineral substance, poisonous colors or flavors, or other ingredients, deleterious or detrimental to health. Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars nor less than twenty-five dollars, or imprisonment not exceeding one hundred days nor less than thirty days, or both at the discretion of the court, and he shall be adjudged to pay in addition all necessary costs and expenses incurred in the inspecting and analyzing such adulterated candy, and the same shall be forfeited and destroyed under the direction of the court.

Laws 1903, ch. 82, art. 5, p. 108.

CANNED GOODS.

SEC. 1. *Goods must be marked with date of canning.* After the passage of this act, it shall be unlawful in the State of Wyoming for any packer, wholesale or retail dealer, or any other person who may sell or offer for sale in any respect whatever preserved or canned fruits and vegetables, or other articles of food, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such person, or corporations that packed the same and the date in plain, unmistakable letters and figures, giving the month and year in which said goods were canned.

SEC. 2. *"Soaked" goods, syrup, and molasses must be labeled.* That all soaked goods, or goods put up from products dried before canning, shall be plainly marked by adhesive label, having on its face the words "Soaked" in letters not less in size than two-line pica, of solid and legible type; and all cans, jugs, or other packages, containing maple syrup or molasses, shall be plainly marked by an adhesive label, having on its face the name and address of the person or persons, firm or firms, corporation or corporations, who made or prepared the same, together with the name and quality of the goods, the month and year the same were prepared and canned, in letters of the size provided in this act.

SEC. 3. *False stamp or label; penalty; prosecution by board of health.* Any person or persons, firm or firms, corporation or corporations, agent or servant, who manufactures, sells in, or out of the State of Wyoming, or who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permits such false stamping or labeling, any person or persons, firm or firms, corporation or corporations, agent or servant, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and punished with a fine not less than fifty dollars in case of vendors, and in the case of manufacturers, or those falsely or fraudulently stamping or labeling such cans or jars, a fine of not less than five hundred dollars nor more than one thousand dollars. And it shall be the duty of any Board of Health of the State of Wyoming, or any other authorized person or persons, cognizant of any violation of this act, to prosecute, or cause to be prosecuted, any person or persons, agent or servant, firm or firms, corporation or corporations, which it has reason to believe has, or are violating any of the provisions of this act, and such person or persons, agent or servant, firm or firms, corporation or corporations, which have been found guilty of violating this act shall, in addition to the fine imposed hereby, be liable for the cost of trial and conviction, and all moneys collected by such fines, after deducting the expense thereof, shall be covered into the general fund of the State.

Laws, 1903, ch. 82, art 6, p. 109.

DAIRY PRODUCTS.

SEC. 1. *Imitation butter or cheese must be labeled.* It shall be unlawful for any person to sell, expose or offer for sale, or exchange within the State of Wyoming any substance purporting, appearing or represented to be butter or cheese, or having the semblance of either butter or cheese, which substance is not made wholly from pure milk or cream, salt and harmless coloring matter, unless it is done under its true name, and each vessel, package, roll or parcel of such substance has, distinctly and durably, printed, stamped, stenciled or marked thereon the true name of such substance in ordinary bold-faced capital letters, not less than five-line pica in size, and also the name of each article or ingredient used or entering into the composition of such substance, in ordinary bold-faced letters not less than pica in size, or sell or dispose of in any manner to another, any such substance without delivering with each amount sold or disposed of, a label on which is plainly or legibly printed in ordinary bold-faced capital letters, as above described, the true name of such substance, and also the name of such articles used and entering into the composition of such substance in ordinary bold-faced letters, if the same be not made wholly from pure milk or cream, salt and harmless coloring matter and the words "butter," "creamery," or "dairy" or any word or combination of words embracing the same, shall not be placed on any vessel, package, roll or parcel containing any imitation dairy product or substance not wholly made from pure milk or cream, salt and harmless coloring matter.

SEC. 2. *Manufacture of imitation butter or cheese prohibited; "skimmed cheese."* It shall be unlawful for any person or persons within the State of Wyoming to manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or cream, salt and harmless coloring matter, any article designed to be sold as butter or cheese made from pure milk or cream, salt and harmless coloring matter, but nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese, provided said cheese is properly labeled showing that it is made from skimmed milk.

SEC. 3. *Falsely branded products.* It shall be unlawful for any person within the State of Wyoming to sell, exchange or offer for sale or exchange or dispose of, or have in his possession, any substance or article made in imitation or semblance of or as a substance [a] for any dairy product which is falsely branded, stenciled or marked as to the place where made, the name or cream value thereof, its composition or ingredients, or in any other respect.

SEC. 4. *Falsely packed products.* It shall be unlawful for any person or persons, company or companies within the State of Wyoming to pack, box, inclose, ship, consign, or convey any substance, butter or cheese, purporting to have been made from pure milk or cream, salt and harmless coloring matter in such a manner as to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of the same.

SEC. 5. *Sale of "skimmed" milk regulated.* It shall be unlawful for any person or persons, whether residing in or out of the State of Wyoming, to sell in the said State to any person, persons or company, or to deliver or carry, or cause to be carried to any cheese or butter manufactory to be manufactured, any milk diluted with water or in any way adulterated, or from which any cream has been taken, or milk commonly known as "skimmed milk," or milk from [which] the part known as "strippings" has been taken or withheld, or keep or renders any false account of quantity or weight of milk furnished at or to any factory for manufacture or sold to any manufacturer except that it be properly labeled and reported in accordance with its true character and value.

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[a] So in Statutes.

SEC. 6. *Care of cows.* No person shall keep cows for the production of milk for any purpose, in a cramped or unhealthy condition, or feed them on unhealthy or unnatural food or upon food that produces impure, unhealthy or unwholesome milk.

SEC. 7. *Condensed milk; labels; standard.* It shall be unlawful for any person within the State of Wyoming to manufacture, sell, exchange, expose or offer for sale or exchange, any condensed milk unless the package, can or vessel containing the the same shall be distinctly labeled, stamped or marked with its true name, brand, by whom [manufactured] and the date of manufacture, and under what name made, and no condensed milk shall be made, exchanged, exposed or offered for sale or exchange unless the same be made from pure, clean, healthy, fresh, unadulterated and wholesome milk from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount the equivalent of 12 per centum of milk solids in crude milk, and of such solids, 25 per centum shall be fat.

SEC. 8. *Adulterated or imitation butter and cheese prohibited; exemptions.* It shall be unlawful for any person by himself or his agent or his employe within the State of Wyoming to render or manufacture for sale out of animal or vegetable oils not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from unadulterated milk or cream from the same, nor compound with, or add to milk, cream or butter any acids or other deleterious substance, or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance, or any human food, in imitation of natural butter or cheese, nor shall sell, keep for sale, or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this act, whether such article or articles, substance or compound shall be made or produced in this State or elsewhere. It is further provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine or butterine in a separate and distinct form and the sale of such duly and properly labeled and in such manner as will duly advise the consumer of its real character and in no way to cause him to believe it to be pure butter as defined by this act.

SEC. 9. *Oleomargarine and butterine defined.* The words "oleomargarine" or "butterine" as used in this act shall be construed to mean any substance not pure butter, of not less than 80 per cent. butter fats, which substance is made as substitute for, but not in imitation of, or in any sense to be used as butter.

SEC. 10. *Penalties.* Any person or persons violating any of these provisions of the sections of this act pertaining to dairy products shall, upon conviction thereof, be fined not less than fifty nor more than two hundred dollars for the first offense, and for each subsequent offense not less than one hundred nor more than five hundred dollars, and be imprisoned not less than ten days nor more than ninety days, or both.

Laws 1903, ch. 82, art. 2, p. 105.

SEC. 1. *Filled and skimmed cheese.* It shall be unlawful for any person or his agent or agents within the State of Wyoming to sell, expose for sale or have in his possession with intent to sell any article, substance or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively or wholly of milk or cream, with salt, rennet, and with or without harmless coloring matter, or containing any fats, oils or grease not produced from milk or cream, or shall have the words "filled cheese" or anything that will tend to deceive the public or to make believe that said cheese has been made wholly from milk or cream, with salt, rennet, and with or without harmless coloring matter, and when made to contain less than twenty per cent. or[a] pure butter fat, it shall be stamped with the words

[a] So in Statutes.

"Skimmed Cheese" and duly labeled, or marked, in printed letters or plain, uncondensed Gothic type, not less than one inch in length, and so that the words cannot easily be defaced, and upon the side of every cheese, cheese cloth or band upon the same, upon the top and side of every tub, firkin, box or package containing any such article, substance or compound. And when such article is sold at retail, it shall be the duty of said retail dealer, or his agent, to so mark each broken package as to convey to the purchaser its real name and true condition.

SEC. 2. *Penalty.* Whoever by himself or his agents, peddles, sells, solicits orders for the future delivery of, or delivers from any cart, wagon or other vehicle upon the public streets or ways "filled cheese," "skimmed cheese" or any substance made in imitation of or semblance of cheese, or as a substitute for cheese, not made wholly of milk or cream, with salt, rennet and with or without harmless coloring matter, or having been labeled in accordance with this act, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or imprisoned at hard labor not less than ten days nor more than thirty days for the first offense and by a fine of not less than one hundred dollars nor more than two hundred dollars, or imprisoned at hard labor for not less than twenty nor more than sixty days or both, for each subsequent offense.

Laws, 1903, ch. 82, art. 3, p. 107.

SEC. 1. *Adulterated or unwholesome milk.* It shall be unlawful for any person or persons, agent or agents, or as the servant or agent or any other person within the State of Wyoming, to sell, exchange, or deliver, or have in his custody or possession with intent to sell or exchange or expose, or offer for sale or exchange, adulterated milk, or milk to which water or any foreign substance, acid or so-called preservative has been added, or milk from diseased or sick cows.

SEC. 2. *Standard; preservatives prohibited; penalty.* In all prosecutions under this act, if the milk is shown upon analysis, by a competent chemist, to contain more than eighty-eight per centum of watery fluid, or to contain less than twelve per cent. solids, not less than one-fifth of which must be fat, it shall be deemed, for the purpose of this act, to be adulterated, and not of good standard quality, except during the months of May and June, when milk containing less than eleven and one-half per cent. of milk solids shall be deemed to be not of good quality. And any milk found to contain salicylic acid or other preservatives known to be injurious to health, shall be deemed adulterated, and any person or persons, company or companies, agent or servant thereof, who shall be found guilty of selling such milk shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense, and for the second offense by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment at hard labor for not less than thirty days nor more than sixty days, and for all subsequent offenses by a fine of fifty dollars or by imprisonment at hard labor for not less than sixty days nor more than ninety days.

Laws, 1903, ch. 82, art. 4, p. 108.

MAPLE PRODUCTS.

SEC. 13. *Standard maple sugar and syrup; penalty.* For the purpose of this act maple sugar, and maple syrup, shall be the unadulterated product produced by the evaporation of pure sap from the maple or sugar tree. The standard of weight of a gallon of such maple syrup of 231 cubic inches in the State of Wyoming, shall be eleven pounds. And [a] other substance mixed with the maple sugar or maple syrup or any other substance purporting to be maple sugar or maple syrup shall be deemed to be an adulteration within the meaning of the laws of the State of Wyoming,

[a] So in Statutes.

providing against the adulteration of foods, drugs, and drinks, and such party who makes or offers for sale such adulterated sugar or syrup shall be deemed guilty of a misdemeanor and fined as herein previously provided for.[a]

Laws, 1903, ch. 82, art. 1, p. 105.

MEAT.

SEC. 11. *Diseased or unwholesome provisions; age of calves for killing.* Whoever sells or offers for sale within the State of Wyoming or has in his possession with a view to sell any kind of diseased, corrupted, adulterated or unwholesome provisions, whether meat or drink without making the condition of the same known to the buyer, and whoever kills for the purpose of sale any calf less than four weeks old, or has in his possession, with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be guilty of a misdemeanor, and when found guilty fined as hereinbefore prescribed.[a]

SEC. 12. *Feeding offal to animals prohibited.* Whoever feeds swine or animals of any kind used for human food, the flesh of any old horse, or the flesh of any animal, whether old or young, infirm or sick, or of one that has died from any cause, or of any offal or flesh of diseased animals, shall be deemed guilty of a misdemeanor and subject to the penalty hereinbefore prescribed in this act.[a]

Laws, 1903, ch. 82, art. 1, p. 104.

VINEGAR.

SEC. 4. *Vinegar standards; fermented and distilled vinegar.* This act shall also cover and be in force against any person or persons, firm or firms, or manufacturing establishment for the manufacture of or sale, or exposing for sale or selling, or having in his possession with intent to sell, or delivering to any person any vinegar not in compliance with the provisions of this act, and no vinegar shall be sold as apple, orchard or cider vinegar which is not the legitimate product of pure apple-juice, known as apple cider; or vinegar not made exclusively of such apple cider; or vinegar into which foreign substance, drugs or acids have been introduced, as may appear upon proper test, and upon said test shall contain not less than two per centum, by weight, of cider-vinegar solids upon full evaporation at the temperature of boiling water, and providing also that all vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "Fermented Vinegar" with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "Distilled Vinegar," and all such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And that all fermented vinegar not distilled shall contain not less than two per centum, by weight, upon full evaporation, at the temperature of boiling water, of solids, contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two and a half tenths of one per cent. ash or mineral matter, the same being the product of the material from which the said vinegar is manufactured. And further that all vinegar shall be made wholly from the fruit or grain from which it purports to have been made or is represented to be made, and shall contain not less than four per centum by weight of absolute acetic acid, which shall not be contaminated by any foreign substance.

SEC. 5. *Adulterated vinegar prohibited; brands.* No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell within the State of Wyoming, any vinegar found, upon proper test, to contain any preparation of lead, copper, sulphuric or other mineral acid or other ingredients injurious to health, and

[a] Art. 1, sec. 10, p. 695.

all packages containing vinegar shall be branded on the head of the cask, barrel, keg, or jug, or any other container containing such vinegar or if sold in other packages that each package be plainly marked with the name and residence of the manufacturer, together with the brand required in the provisions of this act.

SEC. 6. *Brands for cider and fruit vinegar.* Every person making or manufacturing cider vinegar, who is not a domestic manufacturer of cider or cider vinegar, shall brand on each container, whether cask, barrel, keg or other container containing such vinegar, the name and residence of the manufacturer, the date when the same was manufactured and the words "cider vinegar," and no vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes or other fruits. Provided, That nothing in this act shall be construed to prevent any farmer from manufacturing for his own private use or offering for sale not to exceed twenty-five barrels in any one year, pure cider or other fruit vinegar, branding the same "domestic cider vinegar," with name and date of manufacture, and when so branded shall be sufficient guarantee of its purity.

SEC. 7. *Penalties.* Whoever violates any of the provisions of this Article of this act, shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, and shall be adjudged to pay in addition all necessary costs and expenses incurred in inspecting and analyzing such vinegar.

Laws, 1903, ch. 82, art. 6, p. 109.

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